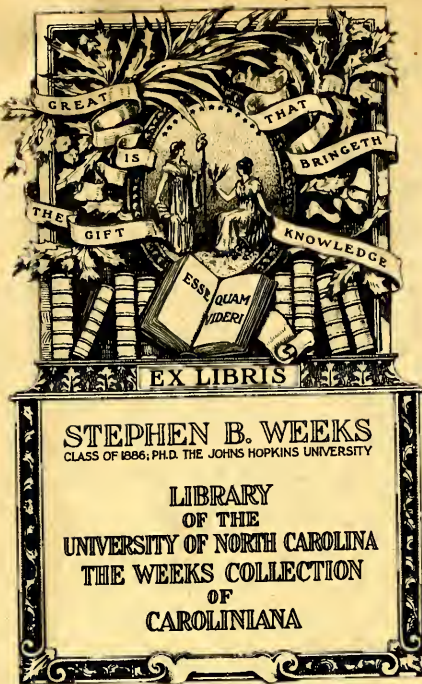


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THE
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MAGAZINE.

EDITORS,
W. R. GARRETT AND JOHN M. BASS.

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THE
American Historical Magazine.

VOL. V.

JANUARY, 1900.

No. 1.

KU KLUX KLAN.

Hon. J. L. Percy, of Nashville, Tenn., is the possessor of one of the original pamphlets, issued by the Ku Klux Klan, in 1868, entitled "Revised and Amended Prescript of the Order of the

* * *

REVISED AND AMENDED

PRESCRIPT

OF THE

ORDER

OF THE

*
* * *

Damnunt quid non intelligent.

APPELLATION.

THIS Organization shall be styled and
denominated, the Order of the * * *.

CREED.

WE, the Order of the * * *, rever-
entially acknowledge the majesty and
supremacy of the Divine Being, and
recognize the goodness and providence
of the same. And we recognize our
relation to the United States Govern-
ment, the supremacy of the Constitu-
tion, the Constitutional Laws thereof,
and the Union of States thereunder.

Mr. Percy was U. S. Consul to Colon during the administration of President Cleveland, and is now resident in South America. During a recent visit to Nashville, he placed at the disposal of this Magazine the original pamphlet, of which the above is an exact copy, being printed from plates obtained by photographic process. Mr. Laps D. McCord, of Nashville, Tenn., who assisted in printing the original prescript in 1868. makes the following statement:

CERTIFICATE OF LAPS D. M'CORD.

This is an exact copy of the original prescript printed in the office of the Pulaski (Tenn.) Citizen, L. W. McCord, Prop., in 1868. I was a printer boy, and with Jno. H. Kirk, the father of Rev. Harry Kirk, recently of Nashville, set the type. My brother, L. W. McCord, received a communication one day, delivered to him by means of a hole in the wall near the door, in which the Ku Klux deposited all their communications for the paper, asking for an estimate for printing this pamphlet, describing it. He delivered his reply in the same hole, and the following morning the copy in full, the money, and minute directions as to the disposition of the books when completed, were in the hole. We did it all under the seal of secrecy and concealment, hiding the galleys

CHARACTER AND OBJECTS OF THE ORDER.

THIS is an institution of Chivalry, Humanity, Mercy, and Patriotism; embodying in its genius and its principles all that is chivalric in conduct, noble in sentiment, generous in manhood, and patriotic in purpose; its peculiar objects being

First: To protect the weak, the innocent, and the defenceless, from the indignities, wrongs, and outrages of the lawless, the violent, and the brutal; to relieve the injured and oppressed; to succor the suffering and unfortunate, and especially the widows and orphans of Confederate soldiers.

Second: To protect and defend the Constitution of the United States, and all laws passed in conformity thereto, and to protect the States and the people thereof from all invasion from any source whatever.

Third: To aid and assist in the execution of all constitutional laws, and to protect the people from unlawful seizure, and from trial except by their peers in conformity to the laws of the land,

ARTICLE I.

TITLES.

SECTION 1. The officers of this Order shall consist of a Grand Wizard of the Empire, and his ten Genii; a Grand Dragon of the Realm,

3

of type as they were set up, and stitched them with our own hands in a back room over Shapard's store, and trimmed them with a shoe knife on the floor. When finished they were tied into a bundle and deposited late at night just outside the office door, whence they were immediately taken by unseen hands. I knew personally all the originators of the Ku Klux Klan, and the history of its origin, its deeds, purposes, and accomplishments.

LAPS D. McCORD.

No other copy of this original pamphlet is known to exist.

It will be noted that it is entitled "Revised and Amended Prescript," which would seem to imply that there had been some previous prescript. If such ever existed, no trace of it can now be found, either in manuscript or in print.

In 1884, a pamphlet of 117 pages, written by John C. Lester and D. S. Wilson, entitled "Ku Klux Klan. Its Origin, Growth,

4

Nec scire fas est omnia.

and his eight Hydras; a Grand Titan of the Dominion, and his six Furies; a Grand Giant of the Province, and his four Goblins; a Grand Cyclops of the Den, and his two Night-hawks; a Grand Magi, a Grand Monk, a Grand Scribe, a Grand Exchequer, a Grand Turk, and a Grand Sentinel.

SEC. 2. The body politic of this Order shall be known and designated as "Ghouls."

ARTICLE II.

TERRITORY AND ITS DIVISIONS.

SECTION 1. The territory embraced within the jurisdiction of this Order shall be coterminous with the States of Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Kentucky, and Tennessee; all combined constituting the Empire.

SEC. 2. The Empire shall be divided into four departments, the first to be styled the Realm, and coterminus with the boundaries of the several States; the second to be styled the Dominion, and to be coterminous with such counties as the Grand Dragons of the several Realms may assign to the charge of the Grand Titan. The third to be styled the Province, and to be coterminous with the several counties; *provided*, the Grand Titan may, when he deems it necessary, assign two Grand Giants to one Province, prescribing, at the same time, the jurisdiction of

and Disbandment," was published by the Wheeler Publishing Company, of Nashville, Tenn. Later, when the Wheeler Publishing Company went out of business, the few remaining copies of this pamphlet were purchased by the Goodpasture Book Company, of Nashville.

Both the authors of this pamphlet were residents of Pulaski, Tenn., in 1866, at which place and time this remarkable order was organized. They had ample opportunity to know the facts. They were both men of strong Southern sympathy. Even if it should be suspected by the reader that their judgment was biased in matters of opinion, their high character and strict integrity en-

Amici humani generis.

5

each. The fourth department to be styled the Den, and shall embrace such part of a Province as the Grand Giant shall assign to the charge of a Grand Cyclops.

ARTICLE III.

POWERS AND DUTIES OF OFFICERS.

GRAND WIZARD.

SECTION 1. The Grand Wizard, who is the supreme officer of the Empire, shall have power, and he shall be required to, appoint Grand Dragons for the different Realms of the Empire; and he shall have power to appoint his Genii, also a Grand Scribe, and a Grand Exchequer for his Department. and he shall have the sole power to issue copies of this Prescript, through his subalterns, for the organization and dissemination of the Order; and when a question of paramount importance to the interests or prosperity of the Order arises, not provided for in this Prescript, he shall have power to determine such question, and his decision shall be final until the same shall be provided for by amendment as hereinafter provided. It shall be his duty to communicate with, and receive reports from, the Grand Dragons of Realms, as to the condition, strength, efficiency, and progress of the Order within their respective Realms. And it shall further be his duty to keep, by his Grand Scribe, a list of the names (without any caption or explanation whatever) of the Grand Dragons of the different Realms of the Empire, and shall

title their testimony to absolute credit in matters of fact. In addition to this, their statements of the origin of the Klan have never been disputed, and are corroborated by circumstantial evidence, and by the universal belief of the people of Pulaski.

These authors make no mention of any prescript previous to 1867. They explain that in 1867 the Klan entered on the second stage, or the political stage, of its career. They describe how a general convention of the order was held at Nashville in the summer of 1867, right in the midst of the hostile State and Federal authorities, and was so secretly and adroitly conducted as to escape detection, or even suspicion. It is probable that the

6 *Quemcunque miseram videris, hominem scias.*

number such Realms with the Arabic numerals 1, 2, 3, etc., *ad finem*; and he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND DRAGON.

SEC. 2. The Grand Dragon, who is the chief officer of the Realm, shall have power, and he shall be required, to appoint and instruct a Grand Titan for each Dominion of his Realm, (such Dominion not to exceed three in number for any Congressional District) said appointments being subject to the approval of the Grand Wizard of the Empire. He shall have power to appoint his Hydras; also, a Grand Scribe and a Grand Exchequer for his Department.

It shall be his duty to report to the Grand Wizard, when required by that officer, the condition, strength, efficiency, and progress of the Order within his Realm, and to transmit, through the Grand Titan, or other authorized sources, to the Order, all information, intelligence, or instruction conveyed to him by the Grand Wizard for that purpose, and all such other information or instruction as he may think will promote the interest and utility of the Order. He shall keep by his Grand Scribe, a list of the names (without caption) of the Grand Titans of the different Dominions of his Realm, and shall report the same to the Grand Wizard when required, and shall number the Domin-

prescript above given was either adopted at this convention or was subsequently prepared by an authorized committee and sent to Pulaski to be secretly printed for the use of the order. If any previous prescript was ever adopted, it was probably never printed, but was promulgated orally from a single manuscript. Diligent investigation has failed to discover any manuscript of the order, or to elicit any information as to a previous prescript.

No trace can be found of a published ritual.

It may be inferred from the "*Interdiction*," Article IX., of the above prescript, that publication of the ritual and secret work had always been forbidden, and the prohibition was formulated and

Magna est veritas, et prevalebit. 7

ion of his Realm with the Arabic numerals 1, 2, 3, etc., *ad finem*. And he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND TITAN.

SEC. 3. The Grand Titan, who is the chief officer of the Dominion, shall have power, and he shall be required, to appoint and instruct a Grand Giant for each Province of his Dominion, such appointments, however, being subject to the approval of the Grand Dragon of the Realm. He shall have the power to appoint his Furies; also, a Grand Scribe and a Grand Exchequer for his Department. It shall be his duty to report to the Grand Dragon when required by that officer, the condition, strength, efficiency, and progress of the Order within his Dominion, and to transmit through the Grand Giant, or other authorized channels, to the Order, all information, intelligence, instruction or directions conveyed to him by the Grand Dragon for that purpose, and all such other information or instruction as he may think will enhance the interest or efficiency of the Order.

He shall keep, by his Grand Scribe, a list of the names (without caption or explanation) of the Grand Giants of the different Provinces of his Dominion, and shall report the same to the Grand Dragon when required; and shall num-

continued in force by the "Interdiction." Possibly the laws and regulations previous to the convention of 1867 had been under a similar "Interdiction," and had been promulgated orally. No certain information seems attainable on this point.

Investigation is likewise foiled in the effort to obtain the original manuscript of any written order issued by any officer of the Klan, although it is known that such orders were issued. Some of these orders were mandatory, and secretly distributed to the Klan; others were explanatory, and were addressed to the public. The latter were sent to the newspapers, under official signature, but personally anonymous.

ber the Provinces of his Dominion with the Arabic numerals 1, 2, 3, etc., *ad finem*. And he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND GIANT.

SEC. 4. The Grand Giant, who is the chief officer of the Province, shall have power, and he is required, to appoint and instruct a Grand Cyclops for each Den of his Province, such appointments, however, being subject to the approval of the Grand Titan of the Dominion. And he shall have the further power to appoint his Goblins; also, a Grand Scribe and a Grand Exchequer for his Department.

It shall be his duty to supervise and administer general and special instructions in the organization and establishment of the Order within his Province, and to report to the Grand Titan, when required by that officer, the condition, strength, efficiency, and progress of the Order within his Province, and to transmit through the Grand Cyclops, or other legitimate sources, to the Order, all information, intelligence, instruction, or directions conveyed to him by the Grand Titan or other higher authority for that purpose, and all such other information or instruction as he may think would advance the purposes or prosperity of the Order. He shall keep, by his Grand Scribe, a list of the names (without cap-

The following order is quoted by Lester and Wilson in the work heretofore mentioned, but without citation of authority. It is, doubtless, authentic:

HEADQUARTERS REALM NO. 1.

DREADFUL ERA, BLACK EPOCH,

General Order No. 1.

DREADFUL HOUR.

WHEREAS, Information of an authentic character has reached these headquarters that the blacks in the counties of Marshall, Maury, Giles, and Lawrence are organized into military companies, with the avowed purpose to make war upon and exterminate the Ku Klux Klan, said blacks are hereby solemnly

Quid faciendum?

9

tion or explanation) of the Grand Cyclops of the various Dens of his Province, and shall report the same to the Grand Titan when required; and shall number the Dens of his Province with the Arabic numerals 1, 2, 3, etc., *ad finem*. He shall determine and limit the number of Dens to be organized and established in his Province; and he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND CYCLOPS.

SEC. 5. The Grand Cyclops, who is the chief officer of the Den, shall have power to appoint his Night-hawks, his Grand Scribe, his Grand Turk, his Grand Exchequer, and his Grand Sentinel. And for small offenses he may punish any member by fine, and may reprimand him for the same. And he is further empowered to admonish and reprimand his Den, or any of the members thereof, for any imprudence, irregularity, or transgression, whenever he may think that the interests, welfare, reputation or safety of the Order demand it. It shall be his duty to take charge of his Den under the instruction and with the assistance (when practicable) of the Grand Giant, and in accordance with and in conformity to the provisions of this Prescript—a copy of which shall in all cases be obtained before the formation of a Den begins. It shall

warned and ordered to desist from further action in such organizations, if they exist.

The G. D. (Grand Dragon) regrets the necessity of such an order. But this Klan shall not be outraged and interfered with by lawless negroes and meaner white men, who do not and never have understood our purposes.

In the first place this Klan is not an institution of violence, lawlessness and cruelty; it is not lawless; it is not aggressive; it is not military; it is not revolutionary.

It is, essentially, originally and inherently a protective organization. It proposes to execute law instead of resisting it; and to protect all good men, whether white or black, from the outrages

further be his duty to appoint all regular meetings of his Den, and to preside at the same; to appoint irregular meetings when he deems it expedient; to preserve order and enforce discipline in his Den; to impose fines for irregularities or disobedience of orders; and to receive and initiate candidates for admission into the Order, after the same shall have been pronounced competent and worthy to become members, by the Investigating Committee herein after provided for. And it shall further be his duty to make a quarterly report to the Grand Giant of the condition, strength, efficiency, and progress of his Den, and shall communicate to the Officers and Ghouls of his Den, all information, intelligence, instruction, or direction, conveyed to him by the Grand Giant or other higher authority for that purpose; and shall from time to time administer all such other counsel, instruction or direction, as in his sound discretion, will conduce to the interests, and more effectually accomplish, the *real* objects and designs of the Order.

GRAND MAGI.

SEC. 6. It shall be the duty of the Grand Magi, who is the second officer in authority of the Den, to assist the Grand Cyclops, and to obey all the orders of that officer; to preside at all meetings in the Den, in the absence of the Grand Cyclops; and to discharge during his absence all the duties and exercise all the powers and authority of that officer.

and atrocities of bad men of both colors, who have been for the past three years a terror to society, and an injury to us all.

The blacks seem to be impressed with the belief, that this Klan is especially their enemy. We are not the enemy of the blacks, as long as they behave themselves, make no threats upon us, and do not attack or interfere with us.

But if they make war upon us they must abide the awful retribution that will follow.

This Klan, while in its peaceful movements, and disturbing no one, has been fired into three times. This will not be endured

Dormitus aliquando jus, moritus nunquam. 11

GRAND MONK.

SEC. 7. It shall be the duty of the Grand Monk, who is the third officer in authority of the Den, to assist and obey all the orders of the Grand Cyclops and the Grand Magi; and, in the absence of both of these officers, he shall preside at and conduct the meetings in the Den, and shall discharge all the duties, and exercise all the powers and authority of the Grand Cyclops.

GRAND EXCHEQUER.

SEC. 8. It shall be the duty of the Grand Exchequers of the different Departments to keep a correct account of all the revenue of the Order that comes to their hands, and of all paid out by them; and shall make no appropriation or disbursement of the same except under the orders and direction of the chief officer of their respective Departments. And it shall further be the duty of the Exchequers of Dens to collect the initiation fees, and all fines imposed by the Grand Cyclops, or the officer discharging his functions.

GRAND TURK.

SEC. 9. It shall be the duty of the Grand Turk, who is the executive officer of the Grand Cyclops, to notify the Officers and Ghouls of the Den, of all informal or irregular meetings appointed by the Grand Cyclops, and to obey and execute all the orders of that officer in the control and government of his Den. It shall further be his duty to receive and question at the out-

any longer; and if it occurs again, and the parties be discovered, a remorseless vengeance will be wreaked upon them.

We reiterate that we are for peace and law and order. No man, white or black, shall be molested for his political sentiments. This Klan is not a political party; it is not a military party; it is a protective organization, and will never use violence except in resisting violence.

Outrages have been perpetrated by irresponsible parties in the name of this Klan. Should such parties be apprehended, they will be dealt with in a manner to insure us future exemption from such imposition. These impostors have, in some instances,

posts, all candidates for admission into the Order, and shall *there* administer the preliminary obligation required, and then to conduct such candidate or candidates to the Grand Cyclops, and to assist him in the initiation of the same.

GRAND SCRIBE.

SEC. 10. It shall be the duty of the Grand Scribes of the different Departments to conduct the correspondence and write the orders of the Chiefs of their Departments, when required. And it shall further be the duty of the Grand Scribes of Dens, to keep a list of the names (without any caption or explanation whatever) of the Officers and Ghouls of the Den, to call the roll at all meetings, and to make the quarterly reports under the direction and instruction of the Grand Cyclops.

GRAND SENTINEL

SEC. 11. It shall be the duty of the Grand Sentinel to take charge of post, and instruct the Grand Guard, under the direction and orders of the Grand Cyclops, and to relieve and dismiss the same when directed by that officer.

THE STAFF.

SEC. 12. The Genii shall constitute the staff of the Grand Wizard; the Hydras, that of the Grand Dragon; the Furies, that of the Grand Titan; the Goblins, that of the Grand Giant; and the Night-hawks, that of the Grand Cyclops.

whipped negroes. This is wrong! wrong! It is denounced by this Klan as it must be by all good and humane men.

The Klan now, as in the past, is prohibited from doing such things. We are striving to protect all good, peaceful, well-disposed and law-abiding men, whether white or black.

The G. D. deems this order due to the public, due to the Klan, and due to those who are misguided and misinformed. We, therefore, request that all newspapers who are friendly to law, and peace, and the public welfare, will publish the same.

By order of the G. D., Realm No. 1.

By the Grand Scribe.

Quid verum atque decens.

13

REMOVAL.

SEC. 13. For any just, reasonable and substantial cause, any appointee may be removed by the authority that appointed him, and his place supplied by another appointment.

ARTICLE IV

ELECTION OF OFFICERS.

SECTION 1. The Grand Wizard shall be elected biennially by the Grand Dragons of Realms. The first election for this office to take place on the 1st Monday in May, 1870, (a Grand Wizard having been created, by the original Prescript, to serve three years from the 1st Monday in May, 1867); all subsequent elections to take place every two years thereafter. And the incumbent Grand Wizard shall notify the Grand Dragons of the different Realms, at least six months before said election, at what time and place the same will be held; a majority vote of all the Grand Dragons *present* being necessary and sufficient to elect a Grand Wizard. Such election shall be by ballot, and shall be held by three Commissioners appointed by the Grand Wizard for that purpose; and in the event of a tie, the Grand Wizard shall have the casting-vote.

SEC. 2. The Grand Magi and the Grand Monk of Dens shall be elected annually by the Ghouls of Dens; and the first election for these officers may take place as soon as ten Ghouls have been initiated for the formation of a Den. All subse-

Lester and Wilson also cite the final order of the Grand Wizard, disbanding the Klan in March, 1869. The authors, however, do not quote from this order, but merely give a synopsis of it. Below is quoted the last chapter of Lester and Wilson's pamphlet, in which they give an account of the final disbandment of the Ku Klux Klan:

“DISBANDMENT.

“On the 20th day of February, 1869. Gov. Brownlow resigned his position as Governor to take the seat in the United States Senate, to which he had been elected. The last paper to which

quent elections to take place every year thereafter.

SEC. 3. In the event of a vacancy in the office of Grand Wizard, by death, resignation, removal, or otherwise, the senior Grand Dragon of the Empire shall immediately assume and enter upon the discharge of the duties of the Grand Wizard, and shall exercise the powers and perform the duties of said office until the same shall be filled by election; and the said senior Grand Dragon, as soon as practicable after the happening of such vacancy, shall call a convention of the Grand Dragons of Realms, to be held at such time and place as in his discretion he may deem most convenient and proper. *Provided*, however, that the time for assembling such Convention for the election of a Grand Wizard shall in no case exceed six months from the time such vacancy occurred; and in the event of a vacancy in any other office, the same shall immediately be filled in the manner herein before mentioned.

SEC. 4. The Officers heretofore elected or appointed may retain their offices during the time for which they have been so elected or appointed, at the expiration of which time said offices shall be filled as herein-before provided.

ARTICLE V

JUDICIARY.

SECTION 1. The Tribunal of Justice of this Order shall consist of a Court at the Head-quar-

he affixed his signature as Governor of Tennessee, proclaimed martial law in certain counties, and ordered troops to be sent thither.

"This proclamation was dated February 20, 1869. In a short while it was followed by a proclamation from the 'Grand Wizard of the Invisible Empire' to his subjects.

"This proclamation recited the legislation directed against the Klan, and stated that the order had now, in large measure accomplished the objects of its existence. At a time when the civil law afforded inadequate protection to life and property, when robbery and lawlessness of every description were unre-

Nusquam tuta fides.

15

ters of the Empire, the Realm, the Dominion, the Province, and the Den, to be appointed by the Chiefs of these several Departments.

SEC. 2. The Court at the Head-quarters of the Empire shall consist of three Judges for the trial of Grand Dragons, and the Officers and attachés belonging to the Head-quarters of the Empire.

SEC. 3. The Court at the Head-quarters of the Realm shall consist of three Judges for the trial of Grand Titans, and the Officers and attachés belonging to the Head-quarters of the Realm.

SEC. 4. The Court at the Head-quarters of the Dominion shall consist of three Judges for the trial of Grand Giants, and the Officers and attachés belonging to the Head-quarters of the Dominion.

SEC. 5. The Court at the Head-quarters of the Province shall consist of five Judges for the trial of Grand Cyclops, the Grand Magis, Grand Monks, and the Grand Exchequers of Dens, and the Officers and attachés belonging to the Head-quarters of the Province.

SEC. 6. The Court at the Head-quarters of the Den shall consist of seven Judges appointed from the Den for the trial of Ghouls and the officers belonging to the Head quarters of the Den.

SEC. 7. The Tribunal for the trial of the Grand Wizard shall be composed of at least seven Grand Dragons, to be convened by the senior Grand Dragon upon charges being preferred against the

buked, when all the better elements of society were in constant dread for the safety of their property, persons and families, the Klan had afforded protection and security to many firesides, and, in many ways contributed to the public welfare. But greatly to the regret of all good citizens, some members of the Klan had violated positive orders: others, under the name and disguises of the organization, had assumed to do acts of violence, for which the Klan was held responsible. The Grand Wizard had been invested with the power to determine questions of paramount importance to the interests of the order. Therefore, in the exercise of that power, the Grand Wizard declared that the organi-

Grand Wizard; which Tribunal shall be organized and presided over by the senior Grand Dragon *present*; and if they find the accused guilty, they shall prescribe the penalty, and the senior Grand Dragon of the Empire shall cause the same to be executed.

SEC. 8. The aforesaid Courts shall summon the accused and witnesses for and against him, and if found guilty, they shall prescribe the penalty, and the Officers convening the Court shall cause the same to be executed. *Provided* the accused shall always have the right of appeal to the next Court above, whose decision shall be final.

SEC. 9. The Judges constituting the aforesaid Courts shall be selected with reference to their intelligence, integrity, and fair-mindedness, and shall render their verdict without prejudice, favor, partiality, or affection, and shall be so sworn, upon the organization of the Court; and shall further be sworn to administer even-handed justice.

SEC. 10. The several Courts herein provided for shall be governed in their deliberations, proceedings, and judgments by the rules and regulations governing the proceedings of regular Courts-martial.

ARTICLE VI.

REVENUE.

SECTION 1. The revenue of this Order shall be derived as follows: For every copy of this Pre-

zation heretofore known as the Ku Klux Klan was dissolved and disbanded.

"Members were directed to burn all regalia and paraphernalia of every description, and to desist from any further assemblies or acts as Ku Klux. The members of the Klan were counseled in the future as heretofore, to assist all good people of the land in maintaining and upholding the civil laws, and in putting down lawlessness. This proclamation was directed to all Realms, Dominions, Provinces, and 'Dens' in 'the Empire.' It is reasonably certain that there were portions of the Empire never reached by it. The Klan was widely scattered, and the facilities for com-

Dieu Dieu his quoque finem. 17

script issued to Dens, \$10 will be required; \$2 of which shall go into the hands of the Grand Exchequer of the Grand Giant, \$2 into the hands of the Grand Exchequer of the Grand Titan, \$2 into the hands of the Grand Exchequer of the Grand Dragon, and the remaining \$4 into the hands of the Grand Exchequer of the Grand Wizard.

SEC. 2. A further source of revenue to the Empire shall be ten per cent. of all the revenue of the Realms, and a tax upon Realms when the Grand Wizard shall deem it necessary and indispensable to levy the same.

SEC. 3. A further source of revenue to Realms shall be ten per cent. of all the revenue of Dominions, and a tax upon Dominions when the Grand Dragon shall deem it necessary and indispensable to levy the same.

SEC. 4. A further source of revenue to Dominions shall be ten per cent. of all the revenue of Provinces, and a tax upon Provinces when the Grand Giant shall deem such tax necessary and indispensable.

SEC. 5. A further source of revenue to Provinces shall be ten per cent. of all the revenue of Dens, and a tax upon Dens when the Grand Giant shall deem such tax necessary and indispensable.

SEC. 6. The source of revenue to Dens shall be the initiation fees, fines, and a *per capita* tax, whenever the Grand Cyclops shall deem such

munication exceedingly poor. The Grand Wizard was a citizen of Tennessee. Under the statute just now quoted newspapers were forbidden to publish anything emanating from the Klan. So that there was no way in which this proclamation could be generally disseminated.

"Where it was promulgated, obedience to it was prompt and implicit.

"Whether obeyed or not, this proclamation terminated the Klan's organized existence as decisively and completely as Gen. Lee's last general order, on the morning of the 10th of April, 1865, disbanded the army of Northern Virginia.

tax necessary and indispensable to the interests and objects of the Order.

SEC. 7. All the revenue obtained in the manner aforesaid, shall be for the *exclusive* benefit of the Order, and shall be appropriated to the dissemination of the same and to the creation of a fund to meet any disbursement that it may become necessary to make to accomplish the objects of the Order and to secure the protection of the same.

ARTICLE VII.

ELIGIBILITY FOR MEMBERSHIP.

SECTION 1. No one shall be presented for admission into the Order until he shall have first been recommended by some friend or intimate who is a member, to the Investigating Committee, (which shall be composed of the Grand Cyclops, the Grand Magi, and the Grand Monk,) and who shall have investigated his antecedents and his past and present standing and connections; and after such investigation, shall have pronounced him competent and worthy to become a member. *Provided*, no one shall be presented for admission into, or become a member of, this Order who shall not have attained the age of eighteen years.

SEC. 2. No one shall become a member of this Order unless he shall *voluntarily* take the following oaths or obligations, and shall *satisfactorily* answer the following interrogatories, while kneel-

"When the office of Grand Wizard was created and its duties defined, it was explicitly provided that he should have 'the power to determine questions of paramount importance, and his decision shall be final.' To continue the organization or to disband it was such a question. He decided in favor of disbanding, and so ordered. Therefore the Ku Klux Klan had no organized existence after March, 1869.

"The report of the Congressional Investigating Committee contains some disreputable history, which belongs to a later date, and is attributed to the Klan, but not justly so. For several years, after March, 1869, the papers reported and commented

Cave quid dicis, quando, et cui. 19.

ing, with his right hand raised to heaven, and his left hand resting on the Bible :

PRELIMINARY OBLIGATION.

"I ——— solemnly swear or affirm that I will never reveal any thing that I may this day (or night) learn concerning the Order of the * * *, and that I will true answer make to such interrogatories as may be put to me touching my competency for admission into the same. So help me God."

INTERROGATORIES TO BE ASKED :

1st. Have you ever been rejected, upon application for membership in the * * *, or have you ever been expelled from the same ?

2d. Are you now, or have you ever been, a member of the Radical Republican party, or either of the organizations known as the "Loyal League" and the "Grand Army of the Republic?"

3d. Are you opposed to the principles and policy of the Radical party, and to the Loyal League, and the Grand Army of the Republic, so far as you are informed of the character and purposes of those organizations ?

4th. Did you belong to the Federal army during the late war, and fight against the South during the existence of the same ?

5th. Are you opposed to negro equality, both social and political ?

6th. Are you in favor of a white man's government in this country ?

on 'Ku Klux outrages' committed at various points. The authors of these outrages may have acted in the name of the Klan, and under its disguises; it may be that in some cases they were men who had been Ku Klux. But it cannot be charged that they were acting by the authority of an order which had formally disbanded. They were acting on their own responsibility.

"Thus lived, so died, this strange order. Its birth was an accident; its growth was a comedy; its death a tragedy. It owed its existence wholly to the anomalous condition of social and civil affairs in the South during the years immediately succeeding the unfortunate contest in which so many brave men in blue and gray fell, martyrs to their convictions.

7th. Are you in favor of Constitutional liberty, and a Government of equitable laws instead of a Government of violence and oppression?

8th. Are you in favor of maintaining the Constitutional rights of the South?

9th. Are you in favor of the re-enfranchisement and emancipation of the white men of the South, and the restitution of the Southern people to all their rights, alike proprietary, civil, and political?

10th. Do you believe in the inalienable right of self-preservation of the people against the exercise of arbitrary and unlicensed power?

If the foregoing interrogatories are satisfactorily answered, and the candidate desires to go further (after something of the character and nature of the Order has thus been indicated to him) and to be admitted to the benefits, mysteries, secrets and purposes of the Order, he shall then be required to take the following final oath or obligation. But if said interrogatories are not satisfactorily answered, or the candidate declines to proceed further, he shall be discharged, after being solemnly admonished by the initiating officer of the deep secrecy to which the oath already taken has bound him, and that the extreme penalty of the law will follow a violation of the same.

FINAL OBLIGATION.

"I ——— of my own free will and accord, and in the presence of Almighty God, do solemnly swear or affirm, that I will never reveal to

"There never was, before or since, a period of our history when such an order could have lived. May there never be again!"

It is not the purpose of this publication either to censure or defend the Ku Klux Klan, or to enter upon any discussion of its merits or demerits.

It is the purpose to collect and publish such historical materials as may be gathered and authenticated for the use of historians, or for the information of the reader. These are presented without any comment except such as relates to their authenticity, and such citation of published works or sources of

Deo adjuvante, non timendum. 21

any one not a member of the Order of the * * *, by any intimation, sign, symbol, word or act, or in any other manner whatever, any of the secrets, signs, grips, pass-words, or mysteries of the Order of the * * *, or that I am a member of the same, or that I know any one who is a member; and that I will abide by the Prescript and Edicts of the Order of the * * *. So help me God."

The initiating officer will then proceed to explain to the new members the character and objects of the Order, and introduce him to the mysteries and secrets of the same; and shall read to him this Prescript and the Edicts thereof, or present the same to him for personal perusal.

ARTICLE VIII.

AMENDMENTS.

This Prescript or any part or Edicts thereof shall never be changed, except by a two-thirds vote of the Grand Dragons of the Realms, in convention assembled, and at which convention the Grand Wizard shall preside and be entitled to a vote. And upon the application of a majority of the Grand Dragons for that purpose, the Grand Wizard shall call and appoint the time and place for said convention; which, when assembled, shall proceed to make such modifications and amendments as it may think will promote the interest, enlarge the utility, and more thoroughly effectuate the purposes of the Order

information as may serve to aid those who desire to investigate the subject.

Without citing authority, it may be stated with absolute certainty, that the Klan was organized in 1866, at Pulaski, Tenn.; that it was disbanded in March, 1869, by order of the Grand Wizard; that it had two distinct phases of existence, being originated purely for purposes of amusement and subsequently being transformed into a band of regulators; that this transformation was formulated in the summer of 1867 at the convention at Nashville, and announced to the Klan in 1868 through the above prescript; that the Klan grew to be a widely extended Southern

ARTICLE IX.

INTERDICTION.

The origin, mysteries, and Ritual of this Order shall never be written, but the same shall be communicated orally.

ARTICLE X.

EDICTS.

1. No one shall become a member of a distant Den, when there is a Den established and in operation in his own immediate vicinity; nor shall any one become a member of any Den, or of this Order in any way, after he shall have been once rejected, upon application for membership.

2. No Den, or officer, or member, or members thereof, shall operate beyond their prescribed limits, unless invited or ordered by the proper authority so to do.

3. No member shall be allowed to take any intoxicating spirits to any meeting of the Den; nor shall any member be allowed to attend a meeting while intoxicated; and for every appearance at a meeting in such condition, he shall be fined the sum of not less than one nor more than five dollars, to go into the revenue of the Order.

4. Any member may be expelled from the Order by a majority vote of the Officers and Ghoulis of the Den to which he belongs; and if after such expulsion, such member shall assume any of the duties, regalia, or insignia of the Or-

partisan organization, and so continued until its final disbandment in March, 1869; that during its entire existence, although severe laws were enacted for the punishment of its members, and the most energetic efforts were made to detect them, yet no member of the Klan was ever detected and convicted.

In addition to the work of Lester and Wilson previously cited, the reader is referred to the article entitled "Reconstruction Period in Tennessee," by Prof. R. L. McDonnold, Vol. I., pp. 307-328 (Oct., 1896) of this Magazine. The reader who wishes to investigate will, of course, refer to such official documents as the Report of the Congressional Investigating Committee,

Nemo nos impune lacessit.

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der, or in any way claim to be a member of the same, he shall be severely punished. His obligation of secrecy shall be as binding upon him after expulsion as before, and for any revelation made by him thereafter, he shall be held accountable in the same manner as if he were then a member.

5. Upon the expulsion of any member from the Order, the Grand Cyclops, or the officer acting in his stead, shall immediately report the same to the Grand Giant of the Province, who shall cause the fact to be made known and read in each Den of his Province, and shall transmit the same, through the proper channels, to the Grand Dragon of the Realm, who shall cause it to be published to every Den in his Realm, and shall notify the Grand Dragons of contiguous Realms of the same.

6. Every Grand Cyclops shall read, or cause to be read, this Prescript and these Edicts to his Den, at least once in every month; and shall read them to each new member when he is initiated, or present the same to him for personal perusal.

7. The initiation fee of this Order shall be one dollar, to be paid when the candidate is initiated and received into the Order.

8. Dens may make such additional Edicts for their control and government as they may deem requisite and necessary. *Provided*, no Edict shall be made to conflict with any of the provisions or Edicts of this Prescript

the proclamations of Gov. Brownlow, the Acts of Tennessee during the Reconstruction Period, especially the Ku Klux law of 1868, etc.

Mr. Laps D. McCord, who assisted in printing the above prescript, has in preparation, or perhaps in press, a work which purports to give a complete history of the Klan.

The reader may exercise his ingenuity in trying to decipher the register. In this work the editor can give but little aid. It will be noted that the register is divided into four parts, and that Parts I. and III. contain each twelve words. Do the twelve words in each of these parts correspond to the *a.m.* and *p.m.* hours of the day?

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Ad unum omnes.

9. The most profound and rigid secrecy concerning any and everything that relates to the Order, shall at all times be maintained.

10. Any member who shall reveal or betray the secrets of this Order, shall suffer the extreme penalty of the law.

ADMONITION.

Hush! thou art not to utter what I am; be-think thee! it was our covenant!

REGISTER.

I.

- | | |
|---------------|-----------------|
| 1. Dismal, | 7. Painful, |
| 2. Mystic, | 8. Portentous, |
| 3. Stormy, | 9. Fading, |
| 4. Peculiar, | 10. Melancholy, |
| 5. Blooming, | 11. Glorious, |
| 6. Brilliant, | 12. Gloomy. |

II.

- | | | | |
|------------|--------------|---------------|------------|
| I. White, | II. Green, | III. Yellow, | IV. Amber, |
| V. Purple, | VI. Crimson, | VII. Emerald. | |

III.

- | | |
|---------------|---------------|
| 1. Fearful, | 7. Hideous, |
| 2. Startling, | 8. Frightful, |
| 3. Wonderful | 9. Awful, |
| 4. Alarming, | 10. Horrible, |
| 5. Mournful, | 11. Dreadful, |
| 6. Appalling, | 12. Last. |

IV.

Cumberland.

L'ENVOI.

To the lovers of law and order, peace and justice, we send greeting; and to the shades of the venerated dead we affectionately dedicate the Order of the * * *

Resurgamus.

It will, also, be noted that the first three parts, taken together contain thirty-one words; thus, providing a word for each day of the month. If this is intended for a key to chronological symbols, however, it fails to explain the term "Black Epoch," used in the heading of the order of the Grand Dragon of the Realm, quoted on page 6.

The Magazine would be pleased to receive from its readers a solution of the problem presented by this register.

SOUTHERN BOUNDARY LINE OF TENNESSEE.

[The following report of the select committee of the House of Representatives was submitted by the chairman, Mr. Foster, of Williamson, October 24, 1833. One thousand copies were ordered to be printed. Only one of these copies is now known to exist, which is deposited in the archives of the Tennessee Historical Society. This report contains matters of interest to the student of Tennessee History. It may, also, be found in the House Journal of 1833. The report of the Senate Committee on the same subject was submitted by the chairman, Mr. Moore, October 16, 1833. These journals are now rare, and are inaccessible to the general reader. The House report is, therefore, reproduced here.]

REPORT.

That, in every instance, the investigation and establishment of boundaries between adverse and conflicting claimants, dependant doubtful and conflicting testimony, and oftentimes rendered impracticable from the obliteration of time, is attended with difficulties; but when the termination of the question involves, in its issue, the exclusion of a right claimed by one of two separate communities, whose muniments of title frequently consist in self-originated testimonials, veiled in the obscurity of primitive ignorance, and that too effaced by the hand of intervening time, the difficulties and embarrassments become multiplied, and the attainment of truth—so essential to the distribution of justice—almost, if not altogether, impossible. At first, the ascertainment of the true southern boundary line of this State, and the legal disposition of the territory consequent upon that fact, would seem easy of accomplishment; but a historical retrospect of the original acquisition and possession of the controverted premises, the various mutations of title, acquired by conquest or treaty, and the final extinguishment of the aboriginal title to all the lands within the chartered limits of the State, encumber the disquisition and rightful disposition of the subject-matter with impediments hard to be surmounted.

While the controversy as to the right of soil shall be limited and confined to the respective claims of the States of Mississippi and Tennessee, the subject becomes clear, and can be determined upon well established principles, and irrefragable testimony,

in favor of the latter. From all the lights and authorities accessible to the committee, in the examination of the subject, they have been compelled to assume as correct, that the true southern boundary of this State extends to the 35th degree of north latitude, south; and that, as between Mississippi and Tennessee, notwithstanding former misconceptions of the true latitudinal line, all the land north of the 35th degree of north latitude, belongs and appertains to the State of Tennessee.

In conformity with the assumed proposition, the committee will advance to the consideration of this house, the principles; together with the authorities that have induced them to its adoption. To elucidate and confirm the correctness and truth of the position, a retrograde examination into the situation and condition of the country extending from the 36th degree of north latitude, south to the 29th degree, together with the method of its possession and subsequent appropriation, must be taken.

Up to the year 1663, the region contained within the above degrees of latitude, had been and was in the use, possession and enjoyment of various tribes of Indians, the date of whose ancestral dominion and usufruction extended to a period, in the computation of time, beyond the ken of correct historical research. Impelled by an insatiable cupidity, upon application, a company were invested with the *dominium utile*, by the then King of Britain, whose sole right consisted in power, of all the country extending north and eastward as far as the north end of Carrahtuke river, upon a straight westerly line to Wyonoahe creek, which lies within or about the degree of 36, 30 minutes, north latitude, and so west, in a direct line, as far as the south seas, and south and west as far as the degree of 29 inclusive, north latitude, and so west in a direct line as far as the south seas, which territory was then called and denominated Carolina. In 1729 the territory so granted and called Carolina, was, by the authority of Great Britain, divided into North and South Carolina; and the most northern part of 35th degree of north latitude was then made, and ever after considered the true boundary line between North and South Carolina. In 1731 the territory then called South Carolina, and which was carved out of the original limits of North Carolina, was subdivided, and a new colony established, called Georgia, to which was granted all that part of South Carolina lying between the Savannah and Alta-

maha rivers, and westward, from the head of said rivers respectively, in a direct line to the south sea. As between North Carolina, South Carolina and Georgia, the three original States, out of which were taken and created Tennessee, Alabama and Mississippi, where would be the southern boundary of North Carolina? If, as has been stated, North Carolina, the primary patentee, contained all the region constituting the three States, and was subdivided into North and South Carolina, and then South Carolina divided into South Carolina and Georgia, the dividing line between North Carolina and South Carolina must be conclusive upon Georgia, and secure to North Carolina all the land north of that line, unless, by treaty or otherwise, North Carolina, while sovereign of the domain, transferred her interest. It will be remembered that by geographical division, previously referred to, so early as 1723, the most northern part of the 35th degree of north latitude was established and recognized as the boundary and line between North and South Carolina, constituting the northern boundary of the latter and southern of the former. No traditional or documentary testimony, it is believed, is in existence evidencing an alteration of that boundary on the part of North Carolina. In corroboration of the existence of the 35th degree of north latitude as the true southern boundary of North Carolina, the confirmation of acquiescence on the part of South Carolina and Georgia can be adduced, together with the continued and uninterrupted claim and possession to that line by North Carolina, up to the time of the transfer of the territory now constituting Tennessee to the United States by North Carolina, in the year 1789.

In 1783, the State of North Carolina, after the termination of the Revolutionary contest and the establishment of American independence, in an act entitled "an act for the opening the land office for the redemption of specie and other certificates, and discharging the arrears due the army," expressly claims to the 35th degree of north latitude as her southern boundary line, and, as a sovereign State, took possession of and exercised such jurisdiction as was compatible with the laws and ordinances of the United States. In 1789, the State of North Carolina, in whom was vested the right of soil and dominion, by an agreement with the United States, transferred, under certain conditions, to the United States all the country now constituting Ten-

nessee—"beginning on the extreme height of the Stone mountain, at the place where the Virginia line intersects it; running thence, along the extreme height of said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron mountain; from thence, along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Ball mountain; thence, along the extreme height of the said mountain, to the Painted Rock, on French Broad river; thence, along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoky mountain; thence, along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka mountain, between the Indian towns of Cowee and Old Chota; thence, along the main ridge of the said mountain, to the southern boundary of this State." The United States, on her part, accepted the ceded country upon the conditions proposed, thereby confirming the line ceded to her by North Carolina as her true boundary line, and then established a territorial government within the limits and boundaries affixed in the cession act.

In 1796 this territory was admitted into the Union as an independent part of the federal whole, under the name and style of the State of Tennessee, and her present constitution then received, ratified and confirmed on the part of the United States. At this time, Georgia, claiming all the portion of country now constituting the State of Mississippi, was a member of the federal Union, and, by her Senators and Representatives in Congress, ratified the cession act of 1689, between North Carolina and the United States, and consented to the admission of the State of Tennessee into the federal Union, with her present constitution, which expressly claims and asserts what was then the southern boundary of North Carolina to be her southern boundary. If North Carolina, when the sole patentee of all the country now constituting South Carolina, Georgia, Alabama, Mississippi and Tennessee, in her first division and allotment to South Carolina, fixed as her southern boundary the 35th degree of north latitude—if she retained and claimed that degree as

her true southern boundary, until she ceded the land to the United States—if, in that cession act, she conveyed and transferred all the territory to that degree of latitude, and the United States accepted the same, and then exercised territorial jurisdiction thereto—and if, after all this, Tennessee was admitted into the Union, claiming in her constitution, as her southern boundary, the line as established in the cession act of congress, and has, from that period of time to the present, constantly avowed and claimed to the 35th degree of north latitude as her true southern line—can it now be questioned, but that wherever shall be found the true degree of latitude 35, that there also shall be found the true southern boundary of Tennessee, and northern boundary of Mississippi? Again: in 1796 Tennessee was incorporated as a body politic, and received a grant from the United States for the region within her present chartered limits; which grant, among other calls for boundaries, calls for the 35th degree of north latitude as her south boundary line, and took possession of the granted land. In 1817 the State of Mississippi was incorporated as a body politic, and received from the United States a grant for certain other lands, which grant, amongst other calls for its boundaries, calls to be bounded north by the State of Tennessee. Now the ordinary case of a conflict between an old and a young grantee presents itself for consideration, and the question remains for solution, in whom is the better title? If the southern boundary of the State of Tennessee (the oldest grantee) had been run and marked in fact, or potentially, previous to the emanation of the grant to Mississippi, the grant to Mississippi would have to terminate and stop at that point. The object called for in the grant to the State of Tennessee, the point on the river Mississippi where latitude 35 will strike that river. The grant to Mississippi calls to strike the river Mississippi at the point where the southern boundary line of Tennessee strikes the same. A straight line, then, from that point, when it shall have been correctly run, will constitute the true dividing line between the States of Tennessee and Mississippi. Under, as it must be supposed, the influence of the above principle, and actuated by a laudable motive to settle the true boundary between the States of Mississippi and Tennessee, the Governor of Mississippi respectfully applied to the Governor of Tennessee to unite with him in the appointment of a commissioner to survey and estab-

lish the true line between the respective States. In compliance with the request so made, the Governor of this State, in the spirit of accommodation and justice, appointed a commissioner, who, in concert with the commissioner appointed on the part of the Governor of Mississippi, proceeded in execution of the trust. Upon actual experiment and survey made by the said commissioners, assuming the 35th degree of north latitude to be the southern boundary of this State, as the basis of their operation, it was found there was a difference in the locality of the line of eleven and one-tenth seconds; the commissioner of Mississippi making the latitude of Memphis 35 degrees, 9 minutes, 48, 8 seconds; the commissioner from Tennessee making the latitude of the same place 35 degrees, 9 minutes, 37, 7 seconds. If, previous to this transaction, any doubt or uncertainty could possibly attach to the southern boundary of this State, and if the State of Mississippi could possibly entertain any objection to the establishment of the 35th degree of north latitude as the southern boundary of the State of Tennessee, the result of this experiment and operation being the concurrent act of both, must, with a certainty, to every intent, locate the boundary, and in legal contemplation, estop the State of Mississippi from further claim, or pretension of claim, to the north of said boundary.

From a full and impartial review of the facts and authorities pertaining to the subject, the committee are constrained to the opinion, that the true south boundary of this State is a true line run upon the 35th degree of north latitude; and that the State of Tennessee of right is entitled, so far as the State of Mississippi is concerned, to all the territory north of said line, to her northern boundary. But as the correct mathematical running of said line will be dependent upon the correctness of the instruments and the ability of the surveyor, and as different results have been produced, and may be produced, varying in a few seconds, the committee, in the spirit of compromise and justice, would recommend the location of the boundary line equidistant between the latitudes found by the commissioners of Mississippi and Tennessee, as run by John Thompson.

The quantity of land lying between the true line, as herein adopted, and the line mistakenly reputed as the south boundary line, is estimated at 215,927 acres of land.

The next subject which presents itself for consideration, aris-

ing out of the nature of the resolution, is the right and policy of the State of Tennessee to extend her jurisdiction to the true southern boundary line of the State, as herein reported. In the disquisition of this proposition, the committee feel happy that the principle in the dubious and complicated question existing between the State of Georgia and the Cherokee Indians will not be implicated, and but for the erroneous survey and marking of a southern boundary of this State, the justness and propriety of the adoption of the measure would be most clear and manifest. If, as has been assumed in the discussion, and fully demonstrated, the true southern boundary of the State of Tennessee extends to latitude 35, then, to justify and legalize the extension of the jurisdiction of the State of Tennessee to the point, it is only necessary to establish the extinguishment of any and every prior and co-existing right, not strictly subordinate to the jurisdiction of the State of Tennessee. Previously to 1818, the tribe of Indians denominated the Chickasaws, held the usufructuary possession of the territory, now the subject-matter of action, in obedience to the existing treaties and ordinances of the Congress of the United States. Upon the 19th October, of the year 1818, the Chickasaw nation, in council, by their chiefs, stipulated with the United States, by their commissioners Isaac Shelby and Andrew Jackson, and by solemn treaty ceded to the United States all claim or title which the said nation had to the land lying north of the boundary of the State of Tennessee, which is bounded south by the 35th degree of north latitude, and which land so ceded lies within the following boundaries: "Beginning on the Tennessee river, about thirty-five miles by water below Colonel George Colbert's ferry, where the 35th degree of north latitude strikes the same; thence, due west with said degree of north latitude, to where it cuts the Mississippi river, at or near the Chickasaw bluffs; thence up the said Mississippi river to the mouth of the Ohio; thence up the Ohio to the mouth of Tennessee; thence up the Tennessee river to the place of beginning."

In the 5th article of the treaty, the two contracting parties covenanted and agreed that the line of the south boundary of the State of Tennessee, as described in the second article of this treaty, shall be ascertained and marked by commissioners appointed by the President of the United States. It is further

agreed by the commissioners, that all improvements actually made by said Chickasaw nation, which shall be found within the lands ceded by this treaty, that a fair and reasonable compensation shall be paid therefor to the respective individuals having made or owned the same.

In pursuance of said article a commissioner under the appointment of the President of the United States, proceeded to mark and run said line, which line is made to run from three to four miles north of the true line, based and run upon the correct ascertainment of the true degree of the 35th degree of north latitude.

The question then presents itself, to which of the lines shall the treaty be located, in its legitimate and legal interpretation? It is covenanted, that the commissioner shall run the line, as described in the second article of the treaty; if the same be differently run than therein authorized, it is a departure from, and a violation of the covenant, and not obligatory upon either party. To ascertain that fact, reference to the words employed, the objects described, and the legal import of those words, together with the controlling power of the objects described in the section, must be considered; and, in that consideration, the intention of the parties must have unlimited influence. At the formation of the treaty, the State of Tennessee was a member of the Union, with certain specified boundaries, circumscribing her territory, among which a line running from the Tennessee river, upon the 35th degree of north latitude, constituted her south boundary line. At the same time, and long previous, the policy of the general government, in conformity with the interest and desire of the States in whose chartered limits were abiding Indians, was and had been to procure from such Indians a relinquishment of their title to land within the limits of those States; and, at that time, the Chickasaw Indians, one of the contracting parties, were residing within the limits of the State of Tennessee, claiming title to, and in possession of the soil. What, then, it is asked, was the intention of the contracting parties in making said treaty? Certainly, on the part of the United States, to obtain from the Indians their title to all the land lying within the limits of the State of Tennessee, and on the part of the Indians, to cede and convey all such title. In confirmation of this, a recital of a part of the second section, verbatim, is sufficient,

which reads as follows: "The Chickasaw nation of Indians cede to the United States of America, all claim or title which the said nation has to the land lying north of the south boundary of the State of Tennessee, which is bounded south by the 35th degree of north latitude." And if the section terminated here, no doubt could arise, but that the treaty, in its construction, must be confined to the line constituting the south boundary of the State of Tennessee, whenever run according to the 35th degree of north latitude, truly ascertained. The after description of the boundaries, in the same section, it is contended, makes valid the line run and marked by Winchester. A refutation the State of Tennessee, whenever run according to the 35th descriptive words and objects used in the section, which are as follows: "Beginning on the Tennessee river, about thirty-five miles by water below Colonel George Colbert's ferry, where the 35th degree of north latitude strikes the same; thence due west, with said degree of north latitude, to where it cuts the Mississippi river, at or near the Chickasaw Bluff."

Now, here the beginning corner is located, not upon the Tennessee river at Col. George Colbert's ferry, nor at a point thirty-five miles below said ferry, but at a point upon said river, and below said ferry, where the 35th degree of north latitude strikes said river. Upon the locality and identity of this corner, no disputation can arise. From this corner, so fixed and ascertained, the line is to run due west with the said degree of north latitude, to where it cuts the Mississippi river, at or near the Chickasaw bluffs. What are the controlling objects in the description of this line? The point of commencement being fixed upon the Tennessee river, at the place where the 35th degree of north latitude strikes the same, it is most clear, the continuation of said line, in obedience to the description, must be run due west from that point, with the said degree of latitude, to where it cuts the Mississippi river, irrespective of the Chickasaw bluffs, which call is deemed superfluous. By this construction, the object of the treaty is attained in the full satisfaction of the contracting parties, and reciprocal justice awarded. If then the Indians, from the terms of said treaty, have ceded to the United States all their interest and title within the limits of the State of Tennessee, the objection arising from their right to the extent of the municipal jurisdiction of the State over the land,

ceases to operate. At the time of executing the treaty, the south line of the State had not been extended further west than the Tennessee, by actual survey; but its certainty and fixidity was such, to the Mississippi river, that in law its potential existence would operate to control the construction of the treaty, in the location of its line, and, by consequence, when the south boundary line of the State should be extended by correct ad-measurement and survey, and actually established, it would be the true base line of the treaty. Nor will the influence of the principle lose its efficiency, because, posterior to the ratification of the treaty, and anterior to the enactment of the laws of Congress of 1818, and of the State of Tennessee of 1819, a demarkation of the line by an agent of the United States, predicated upon an erroneous survey and an incorrect latitude, fixed the boundary line from three to four miles north of the true latitudinal line. For if so, then by parity of reason and principle, notwithstanding the treaty called for and was predicated upon the 35th degree of north latitude, as the southern line of the State of Tennessee, had the same agent of the United States run and marked the line a degree south of the true degree, Tennessee would be entitled to all the land north of that degree.

It is conceived, however, as a self-evident proposition, that if the true dividing line between the States of Mississippi and Tennessee was the 35th degree of north latitude, any departure from that point in the location of the line, by an agent in whose appointment and subsequent action they had no agency or concurrence, cannot operate to change its true position, and more especially as the consequence would be to increase or diminish the constitutionally fixed dimensions of the two States. And if so, it is conceived as an equally clear, self-evident proposition, that the United States, in appropriating the soil, in satisfaction and fulfillment of the treaty of 1830, with the Chickasaw nation, cannot act upon the incorrectly surveyed line, denominated the Winchester line, but are compelled in justice to the State of Tennessee, to fix the base line for operations at the true degree of the 35th degree of north latitude. For if the 35th degree of north latitude was the true boundary line when the State of Tennessee, in her pupilage, constituted a part of the State of North Carolina, and if, in the cession act of 1789, North Carolina ceded the soil to the United States, reserving to herself the

power and right to have full and complete satisfaction made of all the land claims specified in the treaty, then, as the necessary and legal consequence of the treaty, the United States is inhibited from making any disposition of the soil repugnant to, or destructive of those reserved rights. Then the case presents itself, of a section of country to which an original and ultimately abiding title has been demonstrated to exist in the State of Tennessee, and to which the usufructuary title of the Indians has, for a full and valuable consideration, been obtained, and from which, by an amicable adjustment, they have voluntarily moved. And the question is propounded, can the State of Tennessee properly take and exercise jurisdiction over said district of country encompassed in her chartered limits? To which the committee reply, that the extension of the jurisdiction of the State of Tennessee over the specified territory, is in accordance with, and approvement of the fundamental principles of the federal association.

The last and only subject arising from the resolution, and which demands the consideration of the committee, is the rightful disposition of the territory between the two lines, so far as the same is subject to legislative action.

In the examination of this proposition, the committee feel bound, by fiduciary obligations, to regard with the utmost sanctity existing compacts and laws, and in the formation of their opinions to yield implicit obedience to their dictation and guidance.

A review of the conventional and legal action of the federal government and of the States of North Carolina and Tennessee, in relation to the disposition of the landed interest of the country, is important to a correct conclusion. In the cession act of 1789, the State of North Carolina annexed several stipulations, upon the execution of which depended the confirmation of the contract, among which, in the second conditional section, it is declared, that the land laid off for the officers and soldiers, their heirs and assigns, respectively, shall be and inure to their use and benefit; and if the bounds prescribed for the satisfaction of the officers and soldiers of the continental line, shall not contain a sufficient quantity of land fit for cultivation, that such officer and soldier who shall fall short of his allotment or proportion, be permitted to take his quota or deficiency in any other part of

said territory hereby intended to be ceded. It is also declared that where entries have been made agreeably to law, and titles under them not perfected by grant or otherwise, the Governor is required to perfect such titles in such manner as if the act had never passed. And it is further declared and understood, that if any person shall have, by virtue of an act of North Carolina, passed in the year 1783, made his, her, or their entry in the office usually called John Armstrong's office, and located the same to any spot of ground on which any other person shall have previously located an entry, that then the person or persons having made such entry, be at full liberty to remove the location of such entry to any vacant lands included within the limits of the land hereby intended to be conceded. Upon the 21st day of November, in the year 1803, the State of North Carolina passed an act, entitled "An act to authorize the State of Tennessee to perfect titles to land reserved to this State by the cession act," which act, upon the 4th day of August, 1804, was assented to and ratified by the State of Tennessee. Upon the 6th of April, in the year 1806, the Congress of the United States passed an act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and other unappropriated land within the same," which act, upon the 6th day of September, 1806, was accepted, ratified and confirmed by the State of Tennessee. The Congress of the United States, in the act of 1806, retained to herself the sole and entire disposition of all the vacant and unappropriated lands lying south and west of the line then designated, and ever since called the line of the congressional reservation. By the provisions of the several preceding acts, it is manifest that the power remaining in North Carolina, or the United States under the cession act of 1789, to issue grants and perfect titles in accordance with the act of 1789, was transferred to the State of Tennessee, and that under the act of Congress of 1806, Tennessee was circumscribed south and west by the congressional reservation line. Upon the 3d day of December, 1807, the State of Tennessee, by an act entitled "An act to amend an act, passed the 12th day of December, 1806," opened the land office for satisfaction of the respective claims designated in the cession act. Under the operation of this act, the section of country north and east of the reservation line, was

subject to appropriation, and, in a great degree, consumed in the satisfaction of those claims provided for in the cession act, except the lands of the Hiwassee, which by subsequent regulation were exempted. Upon the 9th day of October, in the year 1818, the then subsisting Indian title to the land south and west of the congressional line was obtained by treaty, and by an act of Congress, passed the 3d of April, 1818, it was made lawful and proper for the State of Tennessee to issue grants and perfect titles on all special entries and locations of lands, made pursuant to the laws of North Carolina, before the 25th day of February, 1790, and which lie west and south of the line of reservation, and also to issue grants and perfect titles on all warrants of survey, interfering entries, and locations, which might be removed by the cession act of North Carolina, and on all interfering grants which are good and valid in law, or the warrants or certificates legally issued in consequence of such interference. Upon the 23d day of October, 1819, the State of Tennessee passed an act entitled "An act making provision for the adjudication of North Carolina land claims, and for satisfying the same by an appropriation of the vacant soil south and west of the congressional reservation line, and for other purposes." Under the provisions of said act, the specified country has been, in a great measure, appropriated to the satisfaction of the land claims provided for by the act of Congress, passed the 3d day of April, 1818.

Notwithstanding the great lapse of time intervening since 1789, and notwithstanding the immense domain over which the holders of land claims have, with unlimited power, been permitted to roam in pursuit of satisfactory appropriations, still, from the report of the Secretary of State, there remains of unsatisfied warrants, 109,094 acres already adjudicated, and 285,121 acres unadjudicated. For the satisfaction of those unsatisfied warrants, has the State of Tennessee the power of subjecting the country south and west of the congressional reservation line, and lying between the Winchester line and the true southern boundary line? And if she has, is it proper and expedient so to subject the same? From a collation and a careful examination of the various acts of Congress, and of the States of North Carolina and Tennessee, the committee conceive the section of country above designated, justly and legally subjected to the satisfac-

tion of the claims specified in the cession act of 1789, of North Carolina, and of the act of Congress of the 3d of April, 1818. But as a difference of opinion exists in relation to the true line upon which the treaty of 1818, with the Chickasaw Indians was predicated, and as a difference of opinion exists as to the locality of the dividing line between the States of Mississippi and Tennessee, the exercise of any power on the part of the State of Tennessee would be impolitic at this time, and the adoption of any measure, in satisfaction of the claims, inexpedient. All which is respectfully submitted.

LETTERS OF DAVY CROCKETT.

[The following letters of David Crockett are preserved in manuscript in the Tennessee Historical Society. The box and file number is given with each letter for convenient reference of any reader who may desire to examine the original manuscript.]

[Box C 3, No. 186.]

11 Sept. 1828.

Dear Doct I have let Mr. Hiram Partee have the amount of twenty-five Dollars on you you can be so good as to Settle that amount with him and oblige your friend &c.

DAVID CROCKETT.

[Box C 3, No. 187.]

Washington City 27th January, 1829.

My Dear Brother

I received your favour of the 11th inst and parused its contents with great Pleasure all except that part whare it Relats to the disagreeable situation of friends Differing it is certainly the worst of all furiz I Received a letter on yesterday from John which affected my feelings a great deal that was in consequence of the Death of our Poor Dear little neece Rebecca ann Burgin She had Been at my house for two or three days and on the first day of this month She was with my children in my horse Mill walking Round after the oxen and stoped opposite one of the out side Posts and the end of the arme or Brace that which the oxen worked too caught her head against the post and mashed it all to peaces Poor little dear Creture never new what hurt her I thought almost as much of her as one of my own I hope she is this day in eternal happiness whare I am endeavouring to make my way I have altered my cours in life a great deal sence I Reached this place I have not taisted one drop of Arden Speruits sence I arived here nor never expecte to while I live nothing Stronger than Cider I trust that god will give me fortitude in my undertaking I have never made a pretention to Relegion in my life before I have Run a long Race tho I trust that I was called

in good time I have been Reproved many times for my wickedness by my Dear wife who I am certain will be no little astonished when she gets information of my determination You write me that Father is guoying to visit Our Country and also Brother Trosper I have no doubt but Brother trosper will be well pleased with our Country and it will be a Pleasing seen to all of us to see father in our Country and also it will be an unexpected one to all his children Brother McWharter has moved down in my neighbour hood in fact to my old place the old gentleman will find us all close together I should like much to be at home when Brother Trosper is' thare on several reasions I will be home between the 17 & 20 of March if it is Gods will to keep me in health I shall leave here a bout the 4 or 5 of March and if no Bad luck I will Reach home in eleven days. Brother William wrote to me that John had got my mare and Coult from that young man tho he did not write that he paid twenty Dollars I consider that gentleman had no business with her except he had Brought her home as I wrote him I had no Idea of his getting her to keep thare fore I consider the case the same as you and Brother Trosper does that he had no Right to make a charge

Brother William wrote to me that he wished to By her & the Coult and that he would bring me a negro boy in one year ten years of age and well grown if I would give him the mare & coult and send him one hundred & fifty dollars at this time I could not do it becaus in the first place I built a mill last summer and got in debt and have not the money to spare & in the second place I can get a negro here of that description for less than \$150 and should Rather keep my mare for I have a fine sted horse at home a packlet which I would like to Breed from that mare and would like much if Father & brother Could Bring her out this I wish you to informe them I wish you to tender my kindest friendship to all my connection also except to your self & Family my warmest esteem I must conclude with a hope that the protecting hand of the almighty may Bless guard & protect you and all our Conection is the Prayer of your affectionate Brother
Farwell

DAVID CROCKETT.

George Patton—

P S Pleas write imediately on the Receipt of these lines let me know how all is.

D. C— —.

[Box C 3, No. 188.]

Washington City 13th Febr'y 1831

Dear Sir

Your favour of the 24th Jany came safe to hand by this mornings mail and I will hasten to answer it I am still in Joying fine health and hope these lines will find you & family in the alike health

As I am writing a Circular which will give a full history of the affairs of the government I deem it unnecessacery to mention much a bout politics more than to give you the signs of the times

The Senate is handling the P M general with out gloves Mr Claton has laid that department open to the world in its true coulors for refusing to answer the enquire made by the Committee— Mr Grundy has introduced a Resolution in the Senate to prohibit any man who has been reformed out of that office from giving testamony This is Carrying proscription to the full extent that a man who has been proscribed for opinion sake are not to be entitled to his oath this is high times in this bosted land of liberty the truth is Mr Barry has expended all the money that Mr McLean made for the Country and now we Cannot pass the post office & post Road Bill for want of money to Carry it in to opperation without Congress makes a large appropriation this is the effect of this glorious sistom of retrenchment & reforme this is the effect of turning out men that knows their duty to accomodate a set of Jackson worshipers what they lack in quality must be made up in quantity Can any honest people have the like of this put upon them I for one Cannot nor will not I would see the whole of them hung up at the devil before I will Submit to Such Carryings on as this I did not come to Cloke their extravagancy to let them make a Speculation of this government their partizens hire reminds me of Some large dogs I have seen here with their Collers on with letters engraved on the Coller *my dog* & the mans name on the Coller I have not got a Coller Round my neck marked my dog with the name of Andrew Jackson on it—becaus I would not take the Coller Round my neck I was herld from their party

There will an explosion take place this week that will tare their party into asunder Mr Calhoun is Coming out with a Circular or a publication of the Correspondence between him & the President that will blow their little Red fox or aleans—

Martin van buren in to atoms—then—you will see Genl Duff Green Come out up on them with all of his powers this will Rais a fuss in the Camps the truth is I expect we will wind up the remainder of the session in a fuss and have done nor will nothing for the Country this is the effects of the Strong Jackson Congress that were to do so much Business—

I must Close with high esteem your friend & obt servt

DAVID CROCKETT.

A M Hughes—

P S you Can use this letter as you pleas I stand pledged to sustain this to be a true fact.

D C

[Box C 3, No. 189.]

Washington City 8th Decer 1833

My Dear friend

Your favour of the 21 Nover has Just been recd and I will hasten to answer it I am enjoying good health and hope these lines will find you and family in the alike you wrote me that I could see the Conventional Districts by the papers I have not saw a paper from our State since I left it however you know let it be laid off as it may I go the whole hog for you a gainst any person whatever I never will have the sin of ingratitude to answer for

I have wrote you one or two letters on the commencement of the session we disposed of the Contested Election between Moore & Letcher on Thursday, and adjourned over untill monday we disposed of them by letting neither of them take the Seat—until it is desided by the Committee of elections which is entitled to it this makes a bad apearance for a Jackson Congress—and the *Globe* Complains heavily about it the truth is I have no doubt but there is a considerable majority in both houses opposed to Jackson and his measure.

The United States Bank has come out in self defence and have made the clearest defence I ever saw and have exposed Jackson and the Kitchen Cabnett out of measure I have but one copy or I would send it to you it is a large pamphlet and contains more than anything I ever saw of its size it will Sinque the administration in the mind of all honest men it proves that the whole hostility of the president to that instatution originated from the Cause that the bank refused to lend its aid in keeping up the

pleasant power right or wrong when you see the attempts to bring over the Bank to be subservant to the pleasant administration it will disgust you and every honest man the truth is I do believe the old Chief is in a worse drive than he ever was before and he is beginning to find it out you wrote me to inform you of the insolvency of the post office department the most favourable accounts that is stated here is that it is upwards of three hundred and seventy five thousand dollars behind hand and it is Current that the deficiency will amount to one million it is yet unknown but they can hide no longer and the thing has to come before the world in its true colours

I will deliver your message to Mr Clay and Everett with much pleasure relative to your two sons their namesakes you shall here how we progress often let me hear from you as often Mr Clay handled the president without gloves when he returned his land Bill with his veto message on . . . and Mr Poin-dexter was almost as bad . . . fact the old man is in much trouble . . . by adhering too much to his . . . will you please to tender my best . . . to Mr Ellis and family & Mr . . . and all my friends tell them . . . from the . . . to the rack . . . fodder or . . . morrow I expect to . . . land Bill however I expect . . . resolution to appoint the . . . not commence until the . . . was out of the way we . . . business on to morrow . . . I will go ahead I must . . . Respects your friend and . . .

DAVID CROCKETT.

A M Hughs

[Box C 3, No. 190.]

Washington City 8th January 1834

Dear Sir

Your favour relative to the arrangement of your mail was recd on yesterday, and I took it immediately to the P. M. G and left it for his action he promised me to answer me in a few days upon the contents of your letter but he is harassed to death upon the deranged state of that department you recollect that the peoples President at the commencement of the present Congress said in his message to both houses of Congress and the nation that the Post office department was in a most flourishing condition and what do we see now, you perhaps have seen the call

from the Senate upon the department and Mr Barry's answer he acknowledges that he had Borrowed from their pet Banks three hundred and fifty thousand dollars and that he had over drawn fifty thousand dollars making in all four hundred thousand dollars that he has borrowed at six per cent and without any authority from the Government and it is common rumer here and I have no doubt of the truth of the report that he is upward of six hundred thousand dollars behind with his contractor Glorious reforme and retrenchment under *King Andrew the first* will the people be blinded always to uphold a name destitute of principle I conceive this a duty that every servant of the people ought to expose all such conduct let it come from where it may

I suppose you can see by the news papers that we are still engaged in discussing the great question of Jacksons kingly power exercised in the removil of the deposits and God only knows when this depate will end or what will be the result In the Senate there is a large majority in favour of the restoration but in the house I am unable to say how it will be determined I am of opinion that we are gaining ground to restore the deposits the memorials are poring into Congress from all quarters to restore the Country from ruin by replacing the deposits to the United States Bank a few days ago we had a delegation of twenty members from the city of New York with a memoreal of six thousand merchants and dealers praying that the deposits may be restored and save the Commercial men they laid their memorial before Congress and then waited on the President and he got into a perfect rage and told them that If every one of his party quit him that he never would agree for the deposits to be restored he said that he had determined to put down the united States Bank and By the Eternal he would effect his object By this you see we have the government of one man that he puts forward his will as the law of the land If the american people will seaction this we may bid farwell to our Republican name it is nothing but a shaddow our once happy government will become a despot I consider the present time one that is marked with more danger than any period of our political history the South Carolina question was nothing to the present for the overthrow of our once happy government you see our whole circulating medium deranged and our whole Commercial Com-

munity destroyed all to gratify the ambition of *King Andrew* the first becaus the united States Bank refused to lend its aid in upholding his corrupt party the truth is he is surrounded by a set of Imps of famin that is willing to destroy the best interest of the country to promote their own Interest I have spoken free but I write the truth and the world will be convinsed I hope before it is too late

My land Bill is among the first Bills reported to the house and I have but little doubt of its pasage during the present session I must close by a request that you present me kindly to your neighbors and receive my best wishes for your self & family.

I am with great Respects your
obt servt

DAVID CROCKETT.

William Rodgers

Ps will you do me the favour to send me a list of the names of your . . . documents to your post office I am determined to enliten the people if it costs me my salary I will trust to an honest comunity here after for reward I love my country better than any party or Riches Mr Grundy is well

D C

LETTERS AND PAPERS OF GOV. JOSEPH McMINN.

[The archives of the Tennessee Historical Society contain forty-eight letters and papers signed by Gov. Joseph McMinn. These are filed in Box Mc 1, and extend from numbers 46 to 92, inclusive. The numbers from 47 to 65 were published in the last issue of this Magazine, No. 46 being omitted as an unimportant fragment. Below is published Nos. 66-90. No. 90 is a deed to land, and an examination of it will reveal to the student of history the imperfection of the early system of surveying and locating land.]

[Box Mc 1, No. 67.]

Cherokee Agency 31 May 1819.

Dear Secy—

On hearing of the Presidents passing on to the west, I determined to write him by express on the various points of my duty here, the answer to which shall be communicated.

I have been writing nearly all night, and now detains the express Mr. Perry while I give you this scrawl, I am in perfect health thank God and thus far things are going on as well as I could expect—please present me as usual to &c, and say to Mrs. McMinn that her children are all well—I will write you by next mail.

Yours,

Jos. McMINN.

Honl Secy Graham.

[Box Mc 1, No. 68.]

Cherokee Agency 1st June 1819.

Dear Secy—

I wrote you a hasty note by Mr. Perry the bearer of my letters P. Monroe & G. Jackson in which I gave you notice of my addressing the President upon the subject of our leases, tho I cannot flatter myself with succeeding as Genl Gaines gave notice to one of my, lessee's (and perhaps to many others), that arrangements were making to remove him & all others from the Indian lands, however I shall learn the worst of the subject in a few days.

The heat & clamour which we understood to exist against me

on the score of conducting the business here has been subsiding for some one or two months, indeed the People dates the change from the Promulgation of the existing treaty, and I assure you, I have never heard more honorable recantations made by any People, nor greater Professions of Political friendship than is making by all that I have heard speak of the subject.

I have not heard any thing said about Humphries, except what I wrote you from Sparta, tho I use it as hearsay proof on all occasions, and realy it offord me great relief, tho I frequently think of the Fable of the Wolf & the Sheppard, who was so severely injured for giving false reports. There does not appear to be the least apprehension of opposition so far as I have iravelled or heard frem.

I expect to leave here about 10th inst & not sooner, tho will advise you further; I have the pleasure to add that a surrender of the notes will please all those poor unfortunate men who have purchased as they say under me, evan if my master should refuse to support the Sales, tho I have asked him to permit them to remain untill their crops are housed &c &c that is to say if he conceives the leases cannot be supported, in favor of which I have used the strongest arguments my mind could suggest, *unlest I had thrcatened his next election* ha ha.

Pray remember me to Mrs. McMinn and Represent me to every Laday & Gent who asks for me, and you may give each of them one Dollar out of any funds for which you have no better use—Thank God I am in remarkable good health & fine spirits tho quite sober, tho that will not appear to be the fact from such nonsense as this.

Good night,

Honl Secy.

Jos. McMINN.

[Box Mc 1, No. 69.]

Knoxville 24 June 1819.

Dear Secy—

On my arrival here last evening, I had the satisfaction to receive your two letters of 30 May & 13th inst. In the latter I found one from the President of the U. States which I had expected would have been more satisfactory, tho taking all things together the object is obtained, & I feel very well pleased with everything except that I was detained much longer in the nation

than I had either wish or expectation to have done, which is the only reason I have not written you much earlier, as I knew you would be asked where I was &c.

I am however extremely happy that I spent as much of my time at the agency as I did, circumstances had rendered it highly necessary that I should do so, and I do assure you that with the support I received by the letter from the war department, and one I recd from Mr. Monroe by express that I have been able to set all things right in that quarter, indeed far beyond my most sanguine calculations, and here every countenance with regard to the Cherokee measures seems to express great satisfaction, in addition to the many who make Public declarations in its favor.

For fear that my last should not reach you as it gives the only intimation of the receipt of your letter of the 5 inst, I will now say it was received, and if health & leasure will afford me an oportunity of answering them all in detail I will do so If not accept of the tender of my thanks for the great variety of matter and elegance of Style in which they are written, and on the whole their fitness for the reading of a man in a strange land, whom you from self feeling & experience must have supposed to be occasionally Blessed with the Hippo or hypo.

I propose God willing to leave this place on the 26th inst for Maryville, & thence by the different courthouses to the residence of my Kins Folks in the land of my nativity as I may call it, and the Place where I have Buried, those, once the Dearest of all human creatures to me, the bare recollection of whom never fails to produce the most pleasing sensations—

James Glasgow has just advised me that Mrs. McMinn had arrived safe at her Fathers, tho still in bad health, and added that she spoke of being in this quarter in July. As you know it will be a matter of great satisfaction for me to hear from you on local and general subjects of Public & private nature you will please address your next to New Canton, Hawkins County, but that I should find it there it must be sent by the return mail.

Will you have the goodness to Shake the hand of our mutual old friend for me & say to . . . that I entertain the most gratefull recollection of all past favors, and hope the latter part of July will afford a personal interview, and to our other friends please

tender my sincere esteem to as many as may be convenient, and for your self accept the best wishes of Your friend,

JOS. MCMINN.

P. S. Thumans Pardon has given very General satisfaction to the inhabitants of this place, and else where so far as I have heard.

J. M. M.

Honl D. Graham.

[Box Mc 1, No. 70.]

Knoxville 26 June 1819.

Secy—

Your having accepted the appointment of commissioner to examine the Books of entries and Surveys of the Principle Surveyors of the 4th 5th and 6th districts, and the Register's office of the Register of East Tennessee, and report to the General assembly next to be held at Murfreesboro on the third Monday of September next, according to the Provisions contained in an act of Genl Assembly passed at Knoxville 5th Nov 1817 Entitled an act to authorise the Governor to appoint Suitable persons to examine the Books of entries &c.

As one of the great objects to be obtained in executing the views of the Legislature will be to exhibit the gross amount of Floating claims against the vacant land, within this State; it will be important to show the number of entries and quantity of acres in each, as well as carefully to note all irregularities if any should exist in the Books of entries & surveys with regard to the commissioners books, they being made a part of the Register's office; you will have a right to examine and report on them, first the quantity of acres that have issued since their organization, and secondly the order in which they have been kept, and as the division of warrants have been confided to the Register, and do not appear to compose any part of his duty as pointed out by the act organizing the office of Register, it will nevertheless be very important to examine the Books kept for that purpose, and to report the ballances due and to whom, without any regard to such of the entries as stand ballanced on the Books.

The Register's Books you will in like manner examine as those preceeding, except that of noticing their number, but it

will be very desirable that their appearance should be exhibited, as well touching their correctness, as the state & strength of the Books.

Having believed untill the moment I was ready to set out, that I had a copy of my instructions to Major Brown wraped up with your commission, on opening which I found my self mistaken, and had to draft these in great haste and without having the Law refered to as my guide—I will therefore ask you to be good enough in the execution of the trust confided to you to pass over such parts as you may find incompatible with the law & views of the Legislature, and substitute your sound discretion in their stead.

I expect to be here on my return to the west in about 15 or 20 days at furthest, and should be pleased to find a line from touching the subjects to which this refers.

Very respectfully,
JOS. McMINN.

[Box Mc 1, No. 71.]

Sir—

Rogersville 20 July 1819.

Yours of the 3rd July came to hand by last mail. I had the pleasure of meeting the President this evaning on his way from this place to the city with whom I spent say one half an hour, he is in fine health, and gives out very good talk on every part of the Cherokee business.

Long looked for has come come at last, the Genl is going on as Jonney Rhea used to say—The subject is entirely new and precludes me from giving a decissive opinion on the case, tho I assure you its seldom spoken of here otherwise, than as the effect of a deluded mind—and so far as I have travelled since I heard it spoken of, no one has ventured to speak of his election a possible one there.

Honl D. Graham.

JOS. McMINN.

[Box Mc 1, No. 72.]

Dr. Secy—

Knoxville 26 July 1819.

I arrived here last evaning thus far on my way to the Land of Canan in perfect health, & had the pleasure to find Major McCulloh & lady here who had just arrived both in fine health &c.

You will ere this reaches you, have heard that Genl Parsons is a candidate for the office chief majistrate—He will be very harmless indeed in E. Ten. compared with his calculations, which I learn to be that he will obtain a majority of 5,000 votes—I feel fully authorised to state, that from Sullivan C. H. to this place that he will receive very few votes, indeed here all parties agree, that I will obtain a large majority in this county—Blount Green & Washington are the only counties in which I believe he will obtain a majority. The Great calculation is on W. Ten. from whence his friends say he was most severely Pressed to become a candidate—against this Major McCulloh states Positively that the calculation is intirely founded in error, that he never heard of his name as a candidate untill he arrived at McMinnville, when it was spoken of entirely without interest—The People here complain that he has come out too late & cannot expect to be supported—upon the whole I believe he will not obtain more than the honors of an honorable Defeat.

However I deem it best to keep a stiff Rien, and am busily engaged both with company & writing—Major McCulloch advises to remain on this side the mountain untill the election is over which perhaps I may tho I very much desire to be at Murfreesboro on the days of election.

I enclose you a paper signed by the Sheff of Campbell County upon which I have deemed it consistant with justice to offer a reward of one hundred Dollars which with what the Sheff has *personally* offered will be a handsome reward—please insert it in the N. Paper.

I also send you one of our old kind of Papers upon which please issue &c. In very great haste your friend,

Jos. MCMINN.

Honl D. Graham.

[Box Mc 1, No. 73.]

Knoxville 26 July 1819

Dear Secy

The enclosed was this moment put in my hand by Mr White—all circumstances considered I have thought we would propose a reward of \$50, Though I expect he will never be heard of in

this country again. You will please therefore issue the Proclamation &c

Your friend

JOS. McMINN.

Honl

D. Graham

[Box Mc 1, No. 74.]

Major Brown.

Southwest Point 11th Dec. 1819.

Dear Secy

I arrived at McMinnville on the evening of the 6th inst., thence to Major Chisholms 6 miles west of Sparta on the 7th; on the 8th breakfasted at the latter place, and lodged at Millers 21 miles west of the crab orchard, at which place I arrived 9th inst and thence to this place on the 10th—without the slightest accident or misfortune, horses all traveling much better than when we set out—In fact I never did see horses work more gentle—nor do I believe any man has a sett of horses better broke to the harness than the Blacks—Wilsons horse I think is gaining strength tho he continues weak & sweats but not very considerable—my health thank God continues equal to that which I enjoyed previous to my leaving home &c I propose God willing to leave here early on the morrow for the point of destination, my future movements will therefore form a part of my next, which I expect to write at Knoxville—

The people seem to enjoy good health as far as I have advanced, and boast of fine crop almost every where. I am told the N. Intelligencer states that Spain has refused & still continues to refuse giving her assent to the Florida treaty, in consequence of which say our statesmen possession must be taken immediately.

Pray let me ask you for once, (which I hope will answer always) to tender my sincere esteem to my friends—and believe me to be yours

JOS. McMINN.

Honl

Daniel Graham

Secy of State

[Box Mc 1, No. 75.]

Knoxville 15 Decr 1819

Dear Secy.

I arrived here 13 inst and recd your letter on 14th—it is not now before me tho I have not time to say more than that I am in good health in reply to yours

My horses continue to do very well and every thing goes on prosperously—I have closed a settlement a few minutes past with Capt. Starr, have also obtained all the Kingston military rolls &c and now have nothing to do but progress on my journey, which I propose doing in less than 1-2 hour—I promise a more lengthy letter in a few days—adieu

Secy

JOS. MCMINN.

[Box Mc 1, No. 76.]

Doctor Dulaney.

21 Decr 1819

Dear Secy—

Yours of the 9th was handed me last night on my arrival at New Canton, which place I left this morning at 9 o'clock.

I am truly happy that your fears respecting my right hand horses, are not realized, they both perform to admiration, that is the Black is perfectly well of the scratches, and Wilson is gaining courage faster than flesh, in fact I have never seen any of them in any degree wearied, notwithstanding I have run them five miles an hour in a few instances & most generally four, and with much ease and comfort to myself, as I on no ocaion have experienced the least cold evan without my cloak—I enjoy very fine health, and every other blessing I can in justice ask for.

The Doctor was a few minutes since called to a sick person a Lady about 8 miles distant—and nothing but delicacy prevents me from naming her complaint—If I thought mother could not guess from the above hint I would say that she the sick Lady is in a family way, of which pray advise her by shewing this letter—I propose Lodging in Abingdon God willing tomorrow night.

Adieu farewell

JOS. MCMINN.

P. S as I have neglected to forward Haywood revised Laws to Mr. J. Q. Adams must beg the favor of you to forward a copy

to me which I will leave with him perhaps it may be much wanted. M.

Honl

Secy of State

I have just read Father James' talk and am more than pleased, as it expresses the warmest wishes of J. M M

[Box Mc 1, No. 77.]

Englises Ferry N. River,
Sunday night 26 Decr 1819

Dear Secy.

I recd your letter dated 11th inst on yesterday evaning as I was jogging along the street by the c. h. I knew Grundy would act pretty childish about the Ky. Papers, and from whence he flatters himself with success, is to me unaccountable but as old Mr Brown a very honest old Irishman from N. C. God help him (used to say such an one wanted to be doing, which he applied to good as well as bad acts—and so it is with our friend G on this occasion.

I would very much prefer that G. Wilson would content himself in printing the Laws as they may be delivered to him without comment, for altho he may not and I presume not be able to make any impression on the state of Public feeling at home which will very materially affect the Popularity any member—yet when his paper is read abroad it may become very mischievous, and I have been some time thinking with you, that perhaps we are to be more entangled than has generally been supposed, but am now laboring under the hope that times are past the worst.

I will profit by your admonission in the close of your letter—Every part of the Establishment—performs very well indeed—The roads & weather are quite fine and I feel disposed to take all advantages of both—pray remember me &c &c

JOS. McMINN.

Honl

Secy of State

[Box Mc 1, No. 78.]

Millers Town 100 miles west of W. City 4 Jany 1820

Dear Secy.

I arrived here this evaning at sunset in very good health, and thus far without having recd. the slightest portion of adverse fortune on the way—The weather has been very cold or at tolerably so—The water courses are all frozen over, the ice in many places 6 inches thick, and the snow said to be 12 inches deep, and very considerably drifted, tho the road are well opened, & in most excellent order, Sufficiently so to enable us to travel from 20 to 30 miles per day, at which rate I expect to reach the city about Saturday or Sunday next—previous to which tis probable, I will not write you as I expect to find the news of Murfreesboro at that place out of which I will calculate on extracting the materials of a long letter—Indeed I have not heard from you since the 11th ult, which I noticed in a former letter—I have some turbelent statesmen below stairs, who are quareling about our father's Talk relative to the Floridaes, some for & others against it

Adieu Farewell

JOS. MCMINN.

Honl

D. Graham.

[Box Mc 1, No. 79.]

Washington City 16 Jany 1820

Dear Secy

Your favor of the 31st ult came to hand on yesterday previous to which I had written you, but finding you stand in need of Blank, & fearfull that your might miscarry have thought it best to forward the enclosed and should your Printed ones arrive they shall be returned without delay,

I have spent this day say in the forenoon in attending the Episcopelian Church, and the afternoon in attending the Roman Catholic meeting, in both instances, I was very agreeably entertained, more particularly as I had the pleasure of having two seats in my carriage occupied by two young and very beautiful Ladies of whom you shall hear more at Large in my next—

Present my love to Miss Stokes, say to her that her Pappa is in fine health, and so is your friend Mr Burton—The former being named for the purpose of giving you an introduction &c

Our Father asked me very kindly after your health, the other day at Dinner—I recd. a card to take tea on Tuesday evening next with the highly accomplished Mrs J. Q. Adams and also a card from him self by way of introduction, which I am told is a mark of attention which he has withheld from all the Land Senators since the opening of this session—Pray tell *mother* how much attention is paid to her friend.

Jos. McMINN.

[Box Mc 1, No. 80.]

Washington City 9th Feby 1820.

Dear Secy—

Yours of the 20th Jany came safe to hand, and am truly happy to learn that our little Republic is moving on so very smoothly.

The admission of Missouri, into the union, has at this period excited more public feeling, than any subject which has come before congress since the close of the Revolutionary War, and what is to be regreted above every thing else is, that a dismemberment of the union is spoken of on the floor of both Houses, and in private circles, as the inevitable result—To this doctrine I do not subscribe nor do I believe that the American people will for a moment entertain or cherish the Idea of a civil War; in lieu of which my own opinion is, and I have constantly avowed it here, that if Missouri adopts the same course which Tennessee did, that it will produce the same result, I mean that they ought to elect their Senators & send them here with their State constitution in one hand, and knock at the Door with the other for admission into the Union, which I feel very conscious would not be denied.

Tho I cannot bring my self to believe that the friends, to the restrictions will be able to sustain them, yet as it is undetermined it must be uncertain as a matter of course.

Some of the friends of the administration entertain doubts that De-Witt Clinton will be run against Mr. Monroe at the succeeding election, if so I hope that Tennessee will act in unison with

her characteristic steadiness in support of the latter as to him she owes much of her present & future hopes of prosperity.

Gaston from N. C. is here, tho the object of his mission will remain unnoticed until some decision takes place upon the Missouri question, nor do I believe he will then succeed even to the smallest extent, as Ten stands on very high ground here.

I waited on the Secy of War this morning who could only promise that my business should be closed as soon as possible—as I am conscious you and my fellow citizens, who have calls for me in my official capacity would wish to know at what probable period, I will leave here, I will venture to say before the 20th present month all accidents excepted.

Adieu farewell,
JOS. MCMINN.

Honl D. Graham.

P. S. the delay of my business is only occasioned by the pressure of the subjects of more importance.

J. M.

[Box Mc 1, No. 81.]

Washington 15 Feby 1820.

Dear Secy—

Mr. John P. Erwin has notified me of the Death of Mr. Washington Perkins late notary Public for Davidson County.

Mr. Erwin has signified his willingness to accept of a protem appointment to fill the vacancy; which I presume we may with safety confer on him, and therefore enclose a Blank sheet except as to my signature, which please fill up accordingly.

I wrote you on the way relative to giving the commission of State Director to Mr. Thos. L. Williams, notice of which has not reached me as yet &c.

My accounts are not yet closed, tho the hour fixed by them meaning the clerks is very near at hand and cannot come a moment too soon for the gratification of my desires—I am extremely solicitous to set my face for the west once more & God only knows whether my foot will ever tread the soil of any other State except our *beloved Tennessee*.

I thank God that I enjoy remarkable good health, I am much more corpulent than you have ever seen me—the Boys & Horses are also well, very well indeed.

The Missouri question still occupies both houses of Congress, and I am sorry to say that the Councils of the nation are about equally divided, which renders every thing uncertain, no man will blush who represents a non slave holding State in speaking of R. King and D. Witt Clinton for the next President—Tho I hope we have nothing to fear from such calculations—Indeed I feel very certain that if our friends cannot obtain the admission of Missouri that Maine will be kept out of the union, and compelled to await that measure—which I believe would quell the heat of the Yankee's.

Not one step has been taken by N. C. as to our landed matters, nor do I believe any thing will be done to the prejudice of Tennessee in that respect.

We are advised here that our commissionrs have come to an adjustment of our differances with K. Y. namely by establishing walkers line to the E. bank of Tennessee river, thence up the same to where the new Kentucky line begins and thence with it to the Mississippi river

Genl Stokes, & Cole Burton are both well, which information please give (as relates to the Genl) to Miss Stokes with my kindest wishes for her future prosperity, in which I would wish to be understood as saying nothing more or less than that she may suddenly tie nuptial knott with one who may be more Dear to her than all the world—nay almost Dearer than life—and while I am in the way of wishing well to my friend,—will you please to accept for yourself the same—the very same good wishes from
JOS. McMINN.

Honl Secy of State

I enclose a letter to mother which please place in her hand out of yours
J M

[Box Mc 1, No. 82.]

Washington City 20 Feby 1820

Dear Secy

I am still here in perfect health, but anxious beyond measure to return to Ten.

I had all my accounts passed thro' the Second Auditors office on yesterday, and tomorrow morning the will be submitted to a different depart—and from that they will have to travel through

several others, merely (as, I am late) to have those different record, made in case of Fire &c. My master has afforded me his signature in every instance where it was asked for, and has at all times manifested the most sincere friendship.

Fathers health is good, but apprehend he does not rest well, from the continual roaring of cannon & small Arms, in the capitol and altho they are not poised at him, yet he may not know when a random shot might inflict a slight wound—Tho, I am firmly of the opinion he is quit out of reach—altho tis openly avowed here that the sole object of the Northern & Eastern Gentry is to ride into power by exciting a feeling of hatred between the slave holding & non slave holding states; and with a view to affect that object they openly pronounce that slavery is not protected by the Laws of God or man.

I will look for your next letter (written after the receipt of this) at Lexington Va. and will ask at all the offices from that place to Reedyville for, and not only ask but look for a very minute detail of passing events in our town & country, and in exchange you will hear from me very frequently, after I bid adieu to this place, the period of which very desirable event will be looked for and hailed by me with very great pleasure.

Please present me to our friend, as, I have always asked you to do—and not as you formerly have done—If this charge is found to be untrue on my arrival, I will then ask your Pardon

The weather here for some days has been just such as we had last winter, tho at present we begin to look for snow. Your old friend Colo John W desired me to Represent him to you, & to state that nothing but the want of time prevented him from writing— adieu Farewell

JOS. McMINN.

Honl

Secy of State Ten

If Mrs. McMinn has gone to Nashville please forward the letter addresed to her by first mail.

J. M.

[Box Mc 1, No. 83.]

Washington City 2d Aditors office

Dear Secy—

22 Feby 1820

I avail my self the opertunity (in the absence of Master Jack)

to acknowledge the receipt of your letter 1st Inst, in which I am happy to learn that the Blanks arrived safe, and ere this reaches you, you will no doubt have recd, one other enclosed, in favor of the appointment of Mr. I. P. Erwin—as Notary Public. I recd, this morning an honorable representation in favor of a Mr. D. Keller with whom I suppose I am not acquainted, nor had I any reason to believe the office would have been sought for, or tis possible I would have delayed the appointment, longer than I did, tho I must suppose the Public will be as well served by Mr. Erwin as any other Gentlman, which is the grand object with me, or at least it ought to be— Here comes master and I must bid you Good morning

Honl

Jos. McMINN.

Secy of State

[Box Mc 1, No. 84.]

War office 23d Feby 1820.

Dear Secy—

I wrote you yesterday, and now have a similar opertunity as the Secy of War has not arrived—my business is very near a close, and in my next, hope I shall be able to give you the result—I continue in fine health indeed, and such is the state of my suit, say Jem & Alexr.—

Colo Williams is well and wishes to be remembered to you,—

Adieu farewell

Secy of State.

Jos. McMINN.

[Box Mc 1, No. 85.]

Washington City 26 Feby 1820

Dear Secy—

I have the pleasure to announce, that my accounts are all settled in the Second auditors office, as much to the satisfaction of all parties as any accounts ever was, evan between Father & Son, but still I am compelled to remain a few days to await their passage thro the other offices, and procure copies which will be satisfactory to my friend, and my self hereafter, altho there never will be any further necessaty for them.

The Missouri question occupies the almost exclusive attention of the House of Rep When or how it will be settled God only knows, Tho I pray he may continue to bless the american People & keep them in the bond. of Brotherly and national Love,

Represent me &c &c

Honl

JOS. MCMINN.

D. Graham

[Box Mc 1, No. 86.]

Mr. Stepen, Saturday night

Dear Secy

4 March 1820

I write this letter 56 miles S. West the City of Washington which place I left on the 2d inst at 12 Oclok, all well with the exception of my self, and I have nothing to complain of but a bad cold,—our Senators and representatives are all well and desired me to Represent them to you, on my return, but fearfull that I might forget thought it best to send on by mail &C—

The missouri question, I presume was put to rest this evaning, by either compromising on the Bill, for her and maine being rejected in the Senate,—by the proposed compromise a line was to be run in Latitude 36.30 north from the Mississippi—Tolerating all South anl west of that line to be settled with Slave holders & prohibiting Slavery North and west of said line, this measure has been with a Committe of both Houses for some 3 or 4 days—and I, entertain no doubt but that those terms will be proposed to both houses, but I think it quite probable the H of Reps will disagree, if so the Senate will reject both bills as before stated, and then I hope Missouri will take the Steps of her neighbor Tennessee, by which means I think she certainly will be admitted—

I closed my business with the Dept on 28 ult, to the entire Satisfaction of all concerned, and I am greatly pleased I do assure you to find my Self on the way to Tennessee, particularly as the road, & weather are very fine—To morrow night I hope to be in Stoverston 24 west of this place—please remember me as usual and believe me I will be glad to see you and all others of my fellow Citizens—pleased send the enclosed—

adiieu farewell

JOS. MCMINN.

[Box Mc 1, No. 87.]

Lynchburg 13th March 1820

Dear Secy

Major Risque who is owing me some money has beat me to this place, and now I am told he is at Campbell Court where I propose to visit him tomorrow God willing, in doing I will loose one day more, tho as the debt has been standing upward of eight years, I think it my duty to attend to its collection, and the only circumstance I regret is detention from my official duty, which I have no doubt will be pardoned by the generous freemen of Tennessee—I have been Stopped 4 days since the date of my last by rain, Snow, hail & high waters, and this day altho excessively wet, I have traveled upward of 20 miles

please remember me as usual Your friend

JOS. McMINN.

Honl D. Graham.

[Box Mc 1, No. 88.]

Nr Canton 27 March 1820

Dear Secy

Your favor of the 3d inst was handed me on yesterday evaning on my arrival here, the contents read with great satisfaction &C—I am sorry Colo Bradfords case could not have recd. more early attention, tho I hope no disadvantage will result, as I do not conceive an election can be held upon legal ground, When an appeal was obtained in due form, however I will endeavor to obtain information, and put the parties to rest as far as within my Power

The road, have been unusually bad for upward of two weeks, which has so far reduced my horses as to render a stay here of a few days indispensable, in order to recruit for the balance of the trip—nothing has occurred since my last from Salem, in any degree interesting to you or my other friend, in Murfreesboro, except that I have been informed, that a very strong desire exists in the west relative to a Call of the Legislature; but for what I have not distinctly learned, and therefore can only say to those who Speak to me on the Subject, that for my Self I know of of necessaty that would Justify the expense—But that my mind Shall at all times be open to conviction, and

ready to pursue Such measures as may be dictated by a Solemn regard to my duty and the general interest of the State—

One of the letters alluded to by your last I presume reached me the day on which I left the City, and presume its receipt has been acknowledged ere this—I will keep you advised of my movements as I progress to the west, and beg you to (do what I know you will namely) keep the public mind at rest as far as possible untill I return—In doing which you may safely say that I first embarked in the Cherokee business for the single purpose of promoting what I conceived to be the best interest of my Country, which has driven me into the necessity of making this Tour to the City to Settle my accounts which no other person could have done, without my Suffering a very great Sacrifice. —

Honl

Adieu farewell

D. Graham.

Jos. MCMINN.

[Box Mc 1, No. 89.]

Knoxville 11 April 1820

Dear Secy

Your favor of 19th ult was handed me yesterday evaning on my arrival—have read its contents with great pleasure, particularly where you refer to the sweet expression made by Miss Slaughter in relation to my return —

I am detained here to day in adjusting Some old Cherokee business Tho am nearly through and tomorrow morning God willing I Set my face for the west once more—my Suit and horses all in fine plight for travelling—tho have to make a Stop in Kingston to Settle with the militia who Served as Guardsmen at the agency—from which place I will write you again —

Adieu farewell

Jos. MCMINN.

please attend to the Standing order remember me to all inquiring friends J. M.

[Box Mc 1, No. 90.]

STATE OF TENNESSEE, No. 15315.

To all to whom these presents shall come, Greeting:

KNOW YE, That by virtue of part of certificate No. 160 dated the 9th. day of July 1807. issued by [SEAL.] the board of commissioners for West Tennessee to Hardy Murfree for 274 acres and part of warrant No. 1474. dated the 2d. day of April 1798. issued by John Carter entry taker for Washington County to Martin Treaver for 625 acres, and entered on the 22d. day of October 1816. by No. 4172.

There is granted by the said state of Tennessee, unto Thomas Hopkins assignee of the said Hardy Murfree and Martin Treaver A certain Tract or Parcel of Land, containing one hundred acres, by survey bearing date the 20th. day of October 1817. lying in the third District in Warren County on the waters of Collins river, and bounded as follows, towit Beginning at a black oak twelve poles east of the south east corner of a 200 acre survey granted to Joseph Colville, running thence south one hundred and two poles to a white oak, thence east fourteen poles to a stake in Christian Shells line, thence north with said line twenty poles to pointers said Shells N.W. corner of a 50 acre survey, thence east with a line of the same sixty four poles to a stake thence north seventy two poles to Jacob Weavers S.W. corner, continuing the same course in all two hundred and two poles to a black oak, thence west seventy eight poles to a stake, thence south to the Beginning

With the hereditaments and appurtenances. To have and to hold the said tract or parcel of Land with its appurtenances, to the said Thomas Hopkins and his heirs forever. In witness whereof, JOSEPH M'MINN, Governor of the State of Tennessee, hath hereunto set his hand, and caused the great seal of the state to be affixed, at Murfreesborough, on the 28th. day of March in the year of our Lord one thousand eight hundred and twenty one and of the Independence of the United States the forty-fifth.

BY THE GOVERNOR,

Jos. McMINN.

Daniel Graham
SECRETARY.

Thomas Hopkins is entitled to the within mentioned tract of land.

D. McGAVOCK, Register
of West Tennessee by
F. McGAVOCK, D. R.

Recorded in the Register's office of West Tennessee 8th July
1822. F McGAVOCK D Reg

CORRESPONDENCE OF GEN. JAMES ROBERTSON.

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War Department Dec. 22, 1803.

Sir:—By the direction of the President of the United States, the following instructions have been given the several Indian agents:

“ Many inconveniences having arisen from parties of Indians visiting the President of the United States who have no business of such importance as might not be adjusted by the agents, and who often suffer on their way for want of proper passports and the necessary arrangements for their accommodation on the journey, you will therefore inform the Indians within your agency, that in future when any of them wish to visit the President that they must inform you of their intention, and the number and rank of their Chiefs, in which case, if their request appear reasonable you will give information to this office of the number & that proper passports may be forwarded to you to be delivered them when they set off.”

But notwithstanding these precautions some stragling parties find their way to the seat of government without the knowledge of the agents and frequently without any interpreter, which is not only embarrassing to the President, but attended with considerable expense to little or no purpose, and as such parties usually call on some officer of the state unto which they first come, for passports or some directions or assistance, it is the wish of the President that you would be so obliging as to give directions to the officers and magistrates of your state to discourage any such parties from coming on, and if possible prevail on them to return home, and inform them that the President will not be pleased with their visit unless under the regulations before recited.

I have the honor to be with esteem,

Your humble servant,

Signed, H. DEARBORN.

His Excellency Archibald Roane,

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NASHVILLE, May 30th, 1803.

Sir:—

I make no doubt you have had information that I am a candidate in the next election for Governor—Many are the efforts now endeavoring to be made, in order to traduce and degrade my character, which I view with that contempt and disdain that calumniators and defamers are entitled to meet with. Permit me sir, to observe, that I have long resided within the state of Tennessee, whose citizens have more than once honored me with their confidence in different appointments; How far I have discharged the trust reposed, is for my fellow citizens, and not myself to say.

Vain would it be in me to attempt imposing on the understanding of so many enlightened characters as are contained within the State of Tennessee; neither can I descend into a sycophantic flattery, or a jesuitical probity. I am destitute of both principles or calling, that would either punish the innocent or extricate the guilty perpetrators. Should I be fortunate enough to have any friends in your country, I wish them to conduct only as becomes Americans, republicans and independent citizens; not to become dealers in scandal, nor revilers of characters—If I should be happy enough to merit their support, I shall duly contribute to their prosperity and welfare, and gratefully remember their friendship in such manner as my feeble abilities may enable me—As to what has been so illiberally insinuated respecting titles for lands, I can answer, that if there be any deficiency in mine, the laws can be readily employed to vitiate and annul them, and it is well known there are dealers enough in the article of land, to rejoice at such an opportunity. I will observe to my friends that I am authorized to declare, that I am fully possessed of documents and proofs to convince an impartial world, that I have not procured any titles for land, but such as I have fully paid the monies for, long previous to their being obtained; and whether or not there is a fraud in the obtaining titles under such circumstances, I leave every candid person to put the question to himself and determine—It would far exceed the bounds of a letter, to give to my friends a full and concise statement of all the business alluded to, but hope what is here stated will be thought sufficient to satisfy every reasonable person so far at least, as to suspend any un-

favorable opinions that might be occasioned from the insinuations thrown out from persons very materially concerned and interested.

Your friend and humble servant,

JOHN SEVIER.

Please make this letter known to the people of your neighborhood.

(284)

SOUND CREK, April 16th, 1803.

Dear Sir:—

I received your favor of the 18th of March and was happy to hear of you and your family being in good Health as we are at present. With respect to the Patten you wrote for I cannot find it amongst my papers but your examining the register's office when the grant was received you may find anything necessary. My Brother William starts this day for Nashville. I wish you to be so kind as to go with him to see the land—the arrival of the French Prefect at New Orleans and the exportation of French troops is all the talk how well it may turn out in the end is doubted.

I am sir with friendship your obedient servant,

JAMES HOGGATT.

(285)

KNOXVILLE 26 Sep. 1804.

Dear Sir:—

Since my last I have nothing very material to inform you of, the Indians are to meet at Tellico, and will begin to convene about the 10th of next month, from every information I have been able to obtain, we shall do something with them perhaps that may prove beneficial to our State.

I shall not set out from home before the 10th, and hope to meet you at Tellico, should you not come up higher in the country—I shall provide at this place some suitable articles for our accommodation at the treaty, and have them taken down to the block house. If you could find an opportunity to send in to me, about one hundred dollars it would be very useful, as I have not any chance of getting one dollar out of the treasury here, a bill or two could be sent by the post, & it would be proper to take the

No. and date, and also endorse them for fear of their getting into improper hands.

Your friend very sincerely,

JOHN SEVIER.

General Robertson—

(286)

General Robertson:—

Sir:—I shall forward the paper to you by Mr. Luney which I obtained for working the road on Mero District. The horse you will please to send by Mr. Luney at one hundred and twenty dollars price and the balance for cash except one hundred dollars which I got a certificate for at the last Assembly. The paper calls for \$340.00, from the balance of the paper which I obtained from the Assembly their paper allowing 120 dollars for the horse and making the balance in cash to the amount of 155 with the price of the horse will be satisfaction to me for the full amount of the bill your compliance will much oblige yours & and this shall be your authority to receipt for me.

Mr. Luney's receipt will be as good as if I had signed the paper myself.

ROBERT KING.

(287)

NASHVILLE 24th August 1804.

Dear Sir:—

Your letter of the 12th instant had arrived safely, and the contents I have duly observed. It is true as Doctor Claiborne informed you, that the Assembly has not appropriated anything towards defraying the expenses of the agents who are appointed to attend the treaty. But as that essential part of the business by the Assembly has been neglected or omitted, it must be remembered as much as possible by the Executive, first that the agents cannot attend the treaty with any expectation of being useful to their country, and do credit to themselves, and the state they represent, without being furnished with the necessary supplies, to say nothing about the degraded position they would be placed in. I enclose a copy of my address to the treasurer of Mero, for four

hundred dollars, which I hope he wont hesitate to advance, and this sum if obtained must suffice for both of us as well as possible, tho we know it is too diminutive a sum to go any length on so important and interesting a matter as the same is to the state of Tennessee. I must rely on you to use your influence with the treasurer and procure the money if possible. Our treasury here contains not a single dollar, and nothing can be expected with us. I am sanguine in my expectations that the grand work of something very important to the state of Tennessee may be laid at the approaching treaty—I flatter myself a mutual accord—ance will exist among the commissioners and agents and such harmony prevail as will be beneficial towards observing the desired object. I greatly lament the want of funds.

I hope you will not entertain the most distant idea of withdrawing your attendance from the treaty—there never was a better time & more to do. and your attention more necesarily required. Numbers of the good citizens of the State request our attention and have faith we shall be useful, and under the divine hand of Providence I trust we may be instrumental in doing some good.

Would it not be advisable for you to keep up a correspondence with General Smith, and endeavor to find out and become acquainted with the expectations and views of the commissioners.

I shall be greatly obliged by a line from you as soon as convenient—I am sorry I have not more leisure to write to you now on the subject of the treaty.

Your friend & humble servant,
JOHN SEVIER.

Gen'l Robertson.

(288)

KNOXVILLE 7th. November 1804.

Dear Sir:—

After your departure from Tellico I had with Col. Meigs and Gen'l Smith a conversation on the subject of your going into the Chicasaw Nation—They both seemed anxious you should immediately proceed. I wish you may soon find it convenient to take the trip. As to any thing else for you to do on the errand you will go upon I will not say anything, as you are better acquainted

with such matters than myself—I will wish you to widen the dispute as much as possible in convincing the Chickasaws that they may have a right, and that it would be well for them to get something for their lands as to let the Cherokees have it all. You know best how to move them. Your letter on the subject of the road did not come to hand til after the day. But they underbid you near three hundred dollars.

Your friend & Humble servant,

Gen'l Robertson.

JOHN SEVIER.

(289)

SOUTH WEST POINT,

21st Dec. 1804.

Sir:—

I have been favored with your letters of the 18th and 28th of November & of the 11th instant. I have also received Mr. Allen's letter to you covering a copy of the Instrument from President Washington under the seal of the United States, acknowledging the Chickasaws' claim to land on the North side of Tennessee, pointing out their boundaries and pledging protection of the same to them.

I thank you sir for all the exertions you have made in procuring the wished for information. I am now satisfied that the Chickasaws have an undoubted right to all those lands & am fully convinced that there was an error at that early period in the treaties at Hopewell and Holston in ceding a great part of those lands to the Cherokees. At that time accurate information was with difficulty obtained of the rights of the Indians tribes. The closing of these claims may cause some trouble to the United States but we must make the best arrangements we can & do justice to both these Nations.

The Chickasaws had better sell their right as soon as they can, for until this is done the Cherokees will talk about their claim—when the sale is made there will be an end to the extravagant claims of the Cherokees. The more I reflect on the business, the more I am convinced that the Cherokees have no right to these lands.

When I first came into this Agency, the Cherokees sometime

called this land theirs, at othertimes they called it the middle hunting ground, & the hunting grounds of the Four Nations and their conduct for several years past indicates that they are doubtful of the validity of their claim. They have but recently had a few settlements on any part of their land. The settlement made by Doublehead was I believe projected by the Cherokees as an Essay to try their title. The Cherokee Chiefs once sent to me a remonstrance against our garrison being placed at Bear Creek, this was another Essay to try their title. I sent them the treaty held in 1780 with the Chickasaws at Hopewell, showing the grant of the place for a garrison or trading post. this silenced them, and they have never since opened their mouths to me on the subject. All these circumstances confirm me that they have only partial claim at most, for any part of that land.

To save expense I wish we could have an assurance that the Chickasaws will sell before a treaty is called for. But at all events I think we ought to have a treaty, for as you observe in your letter of the 11th Instant, the purchase of the Chickasaws will hasten extinguishment of the Cherokee claims to the lands, between East & West Tennessee.

If the Chickasaw Chiefs should make a visit to the Seat of Government which you mentioned as about to take place, perhaps the cession will be made then but this is uncertain, & I think a treaty should be called in the spring. In order to induce Congress to make the necessary appropriation, I presume it may be urged that within a very short time after the lands are ceded, the lands on which there is no warrants laid will sell, by which the treasury will be much more than reimbursed the amount of the appropriation. The purchase of the land will greatly relieve a great number of persons who have invested their money in those lands & who are justly looking up to the government for an extinguishment of the Indian title.

I hope Sir you will continue your exertions to bring about so desirable an object as the extinguishment of the Chickasaw claim to all the lands on the North side of the Tennessee except a reserve for George Colbert about his ferry. It is my opinion that there can be no difficulty in his having some land about his Ferry, also an equivalent for the sum which was deducted from his account which you mentioned. This will be all settled to his satisfaction at the treaty when the Cession takes place.

It is not in my power now to write to General Smith & as it is proper that we all perfectly understand each other, I will thank you to communicate this for his perusal.

I am Sir,

Very respectfully,

General Robertson.

RETURN J. MEIGS.

(290)

HAWKINS COUNTY 10th June 1804.

Dear General:—

Permit me to congratulate you on the happy result of Colonel Robertson's mission to North Carolina, which I presume you will be apprised of prior to this letter. In my opinion (General) the present period is amongst the most propitious that the Inhabitants of Tennessee has ever witnessed.

From the latest letters which I have received from Congress, I discover the Memorial of the Tennessee Legislature has been under the consideration of a select committee, who have reported in favor of an appropriation for exchanging land on the West Bank of the Mississippi for those held by the different Tribes of Indians on the East. Should such an event take place, of which I do not feel disposed to doubt, we should then be ready to cultivate the fruitfull of the Mobile, Mississippi and Tennessee Rivers. and enjoy without molestation all the commercial advantages thereto belonging, which appear to be assigned by Heaven as the Rightful inheritance of the Sons of the West.

I should be happy to hear from you at all times, and be well assured it will give me pleasure to hear of your happiness thro' life. Present my Respects to Doctor Claiborne, Colonel Lewis and any others of my friends to whom it may be convenient. As soon as the Doctor Returns from the expedition I shall expect to hear from him. I am in great Haste Sir your friend & Humble servant,

JOSEPH MCMINN.

General Robertson.

(291)

No. 145. As auditors for the county of Davidson, this is to certify that a claim for Robert King and Party is exhibited to us by

Colonel James Robertson & Col. Robert Hayes (said claim proved by the oath of the said Hayes) and was allowed the sum of three hundred and forty pounds payable by the District of Mero.

R. WEAKLEY,

Oct. 9th, 1789.

C. HICKMAN.

(292)

The Honorable Commissioners of the State Tennessee.

Brother:—

You mentioned to us yesterday that you wanted a Road from Nashville to Georgia to go into the road which was granted south west point last fall—which leads through our country.

As we have not had due consideration of that grant, therefore we do not wish to grant it at this time, till our people are satisfied the advantages arising of the above mentioned grant. we remain, your

friends & brothers,

Tono tiskee

the Broom,

John McLemore.

C. H. Hicks

Interpreter October 20th, 1804.

(293)

in the morning.

SOUTH WEST POINT 29, Sep. 1804.

D. Sir:—

I have just now arrived at this place, am told that Col. Meigs is gone on to Tellico—in a few hours I set out for the same place. Till I see him I cannot venture to give an opinion as to the event of the treaty. I hope you will be at Tellico about the 10th of October and that nothing will prevent you from being there—Mr. Clark I find has hopes that we may succeed with the Indians but he speaks of certain Chiefs whose opposition was never much dreaded. I would write very frequently to you, but you will be on the road by the time this reaches you.

I am sir with regard and esteem your obedient servant,

DANL SMITH.

(294)

NASHVILLE.

General Robertson:—

Agent Colbert together with several others of his brother Chiefs desired me to give you a short talk, which is as followeth: They say that the Cherokees have sent to them & desired them to come up to the present treaty in order to there investigate their different titles to the disputed territory. So Colbert answered them that if the United States through any proper channel had made this request it would have been attended to—He further says that you know the extent and boundary of their claim, that when the treaty was held at your house it was then all talked over, & we therefor hope you will not now stand by & see the Cherokees do him any injustice.

For my self I find (for I left the Muscle Shoal the day before yesterday) that D. Head is altogether opposed to selling one foot of land and when he asked me whether the Chickasaws would sell their land on this side of the Tennessee River, & told him they would he appeared thunder struck. would it not therefore be right to keep alive this idea, and try by that means to alarm the Cherokees into proper measuers. It is a fact the Cherokees will sell if properly applyed to.

But sir Double Head is a great rascal & Chisolm & Caldwell (the latter his brother-in-law) dictate to him, and it is them and such villians who prevent them from selling or doing anything that is right.

Again would it not be well in your correspondence with the Chiefs to suffer them, from the time you begin to the time you end, to hold no conversation with the Indian Country men?

Please keep these ideas to yourself, as I do not wish my name even to be mentioned.

I am in great haste your friend,

W. J. C. ANDERSON.

8th October 1804.

D Head is sick and has not yet started up to the treaty.

(295)

KNOXVILLE 5th October 1804.

General James Robertson:—

Dear Sir:—

Your letter of the 27 ult. addressed to his Excellency Governor Sevier came to hand by this day's mail; the Governor being at

this moment absent, I have opened the letter, but am unable to say whether he will prefer your meeting him at this place or Tellico. I suppose he will not set out for the treaty earlier than the 9th of the month—I believe the Governor has made arrangements for some whisky, brandy, coffee, tea, sugar &, and suppose he expects to get beef &c in the neighborhood of Tellico.

Yours respectfully,

WM. MACLIN.

(296)

Department of War,
Accountant's office,
December 28, 1804.

Sir:—

The secretary of war handed me your letter addressed to him under date of the 6th instant, enclosing two depositions, & a letter from Col. Henley on the subject of a quantity of corn claimed for by General Robertson as supplied the Chickasaws and Choctaw Indians in the year 1795. On consultation with the Secretary he has decided that the claim cannot be admitted, the length of time which has elapsed since the transaction, & the want of law and precedent to govern in the case, are the reasons.

Congress alone can therefore make compensation.

WM. SIMMONS.

(297)

CHICKASAW NATION Jan'y 25, 1805.

Sir:—

I received your letter sent to Major George Colbert, and have listened to your talk—and you stated to us to know whether we would sell the land on the north side of the Tennessee. My friend you know very well that land is very expensive. If we were disposed to sell that land we would not sell it by the wholesale—when we are disposed to sell that land we will have it surveyed and have so much an acre for it the same as the white people does to one another with these lands. We cannot sell these lands. It is true the game is scarce and partly gone. That is the only place

that my children and warriors has to hunt and get their livings on at present. I hope will not think it any harm because we deny selling our lands—You mentioned to me that the Cherokees and my people were joined in war with the Shawanese. It is not so. we never was. when the Shawanese first came they came up the Tennessee and then up Bear Creek about thirty miles, and there left their canoes and came to war with the Chickasaws and killed several of our people—The Chiefs and warriors of my Nation turned out against them, and drove them off. From thence they went to the Creeks and lived there a while, and then they returned back, and crossed at the Chickasaw old field, above the Muscle Shoal, from thence they went on to Duck River and Cumberland river, and settled there, and the Chickasaws found them out, and two of our principal Chiefs in those days one named Opio Metihah and Ponshey Metahah, which in that day were the two principal chiefs of our Nation, they raised their warriors and went against the Shawanese and defeated them, and took all their horses, and brought into the Nation, and the Cherokees had no hand in the war, with us. we drove them ourselves without any assistance from any red people. My friend you mentioned to us that if we were not disposed to sell to let you know fully, so that Congress need not put themselves to the trouble and expense of calling a treaty. We are not disposed to sell now. But I have no doubt it will be the case one day or another, if so we can tell you. We have killed some game on that land yet. and we cannot sell at present. Some years past General Wilkinson, Col. Hawkins and General Pickens called a treaty with us at the Chickasaw bluffs. They requested a road through our country. we granted that request. The said commissioners said that Congress would not ask us to sell any of our lands—that it was not their request to ask any further favors of us after we granted them the favor of a road through our nation. My friend once the British lead us into darkness and gave us very fine talks, for us to join them against the Spaniards, and we did thinking they would always remain in this country. After they had lost their country and went off over the big water, we began to find our error—After the Spaniards got possession of West Florida, they wanted us to kill Americans and we would not—The Cherokees and Creeks did, and that caused them to lose the best part of their country and now they want to claim our land. If they had behaved as well as we have, their

country would not—— as well as ready that they were killing your women and children and spoiling them.

I am your friend and brother,

CHENNABE—King of the Chickasaws.

MAJOR GEORGE COLBERT,

OKOYE,

CHARLES FOX.

General Robertson.

(298)

SOUTHWEST POINT,

Sir:—

31st January 1805.

I enclose to you a copy of a letter received from the accountant for the War department, by which it will appear that the only mode to be pursued to obtain pay for the corn furnished by you for the Chickasaws and Choctaws in 1795, will be to make application to Congress.

I wrote to the Secretary of War on the subject of the Chickasaws lands. I gave him the substance of the information received from you with the addition of some information received from Mr. Mitchel and the Chickasaws with him. Viz., that they wish to sell in order that a white settlement may be placed between the Cherokees and the Chickasaws.

I informed the Secretary of the War that Mr. Mitchel and the Chiefs with him would not be at the Seat of Government untill late in February & that when arrived they could not give any new information on the subject. I did this, that the matter of appropriation need not be delayed on account of their coming forward. I have received a letter from the Chiefs at the M. Shoals informing me that they wished to have a road opened from Cumberland Settlement to pass by the Shoals to intersect the road to Georgia in a proper direction.

I am sir,

Very respectfully,

General Robertson.

RETURN J. MEIGS.

(299)

War Department,

Sir:—

March 20, 1805.

The President of the United States having appointed you as a joint Commissioner with Silas Dinsmoor Esquire, United States

Agent to the Choctaws, for holding Treaties with the Choctaw and Chickasaw Nations of Indians. I have herewith enclosed your commission with the necessary instructions.

Mr. Dinsmoor is directed to notify you of the time and place for holding the Treaty with the Choctaws, which I trust will be in the month of May, at some place in the Choctaw Nation. He is directed also to take measures for procuring suitable accommodations and provisions. A copy of the instructions have been forwarded to him also.

Should you have an occasion for 200 or 300 dollars, previous to setting out from your home, your bill on the department will be paid on sight—and if you can conveniently take on with you six or eight hundred dollars, in addition to what you carry on your own account, it will probably be found useful, as Mr. Dinsmoor may find some difficulty in obtaining as much money as may be necessary for defraying the expenses in that quarter. If you can procure such a sum for bills on this department, and can take it with you conveniently you will please to do so.

I am Sir very respectfully,

your obt. hum. Serv't,

H. DEARBORN.

General James Robertson.

(300)

NASHVILLE April 26 1805.

My Friend:—

I had hopes of seeing you this spring or summer at such place as your people should think proper to meet the Commissioners of the United States to Confirm the session of land named last fall and as it struck me found the price a good one but other business will prevent me I have supposed when the Nation considered them in truth, that if the Commissioners would give them in perpotion to the price offered at Tellico Block house, that the Cherokees would relinquish thare clame to all the waters of Duck river, beleaving it would be thare interest so to do and as it will give our commissioners and government much pleasure to remove so much of the difficulty which they doubt may be caused by the clame of the Cherokees and Chickasaws to that country. Since I saw you I have had a copy of the parchment given the Chickasaws by President Washington to thare clame of

land North of Tennessee, and I have seen George Colbert and another Chickasaw Chief who gave me the grounds for their clame, which I now think much better and stronger than I formerly had vewed it I will give you a sketch of thare clame. They say one of thare chiefs which has not been dead thirty years was the second in command in thare Nation and one that negotiated the business of the Cherokees in the case of thare boundarys, which begins on the Ohio at a point dividing the waters of the Tennessee river from the Cumberland so as to include all the waters of Duck and Elk rivers and then a direct course to the mouth of a creek enting into the Tennesse river on the South side which is called the flint creek and up that naming plases between the Chickasaws and creeks, the ground of thare clame is as follows: they the Chickasaws say that when the Shawnoes lived on Cumberland and Duck rivers that war broke out between them and the Chicasaws that the Chickasaws drove them the shawnoes from those two rivers that the Shawnoes went to the North and that shortly after there was war between the Chickasaws and Cherokees, that at the construction of peace between those two nations they agreed on the boundary above mentioned—that at that time the grate body of the Cherokee Nation lived on the East of the big mountain and had a very extensive country. on the Eastern waters and the heads of the western rivers—from ——— river to tombigby—that from those repeated wars they the Cherokees had fell back and encroached on the lands of the Chickasaws. George Colbert asserts that doublehead settled at the Shoals by his permission. I assure sir that it is from true friendship I bare to you that I am so particular in giving you information and nothing can render me more satisfaction than to be of service to you or the Cherokee Nation. A matter has turned up which I did not in the least expect when I last saw you. I am with Mr. Dinsmoor appointed a Commissioner to the treaty which I suppose will commence in the month of may next. Our instructions are to push all the Chickasaw clame on the North of the Tennessee River by the instructions from the Secretary of War. The government is very anxious to prevent any disturbance between the two nations Cherokees and Chickasaws—it will give me infinite pleasure to be any ways instrumental in uniting or preventing any discord taking place between these two nations of people and I think from the acquaintance you have with Mr. Dinsmoor, you

will not doubt his assistance in effecting so desirable an end. I shall sir be happy to hear from you at all times while I am your sincere friend and humble

Servant,
JAMES ROBERTSON.

p s

I expect the Cherokee Nation will send a deputation to Col. Meigs when they git reconsiled to thare one interest as expressed in thare last talk respecting the sail of land. I know that no person on earth can have a stronger desire to reconcile the disputes which are between the Cherokees and Chickasaw tribes Respecting thare clame clashing.

(301)

LEXINGTON 5th May, 1805.

Sir:—

I have been engaged for some time in collecting materials for a history of the Indians wars in the Western Country from the middle of the last century to the Treaty of Greenville. Mr. Poyzer who honors you will lay before you my plan and inform you who I am. Should you have any papers in your hands relating to these wars or in any manner relating to Indian affairs, you will particularly oblige me for a sight of them. Mr. Poyzer will take charge of any communication.

Col. Isaac Shelby furnish [ed me] with many valuable documents and at [the] same time recommended me to apply to [you] for additional ones connected with the [affairs] of the frontier Indians.

I am sir,
with Respect,
ALLEN B. MAGRUDER.

(302)

CHOCTAW AGENCY, 13th May 1805.

Sir:—

I returned to this place yesterday after an absence of three months. I received your several favors of the 16 & 22 ultimo announcing our conjoint appointment to a commission for treating with the Choctaws & Chickasaws. I have not received any of the documents to which you alluded nor any communication from

the department of a later date than the 25th of October 1804 which contained instructions preparatory to a treaty with the Choctaws then in contemplation, under which instructions I have ascertained to my satisfaction the boundary between the two Nations.

Under the authority of your letter I will give notice to the Choctaw Mingoes & Warriors to assemble at Hobukintoopa on the 1st of June But you are well aware that I cannot cooperate with you until I receive official authority for so doing. Under these circumstances I cannot with propriety anticipate an official act which I may not be authorized to perform, that is to assent to the appointment of a secretary. Were I already commissioned I conceive it would be premature to give such assent till I could estimate the merits of the different candidates, for several have already offered their services.

I hope soon to have the pleasure of taking you by the hand.

Accept my respects,

SILAS DINSMOOR.

General James Robertson.

(303)

Mississippi Territory,
Washington County

.....
Personally appeared before me, Captain James Powell, of the County and Territory aforesaid, and maketh oath that

in the year one thousand seven hundred and ninety five, that he was present at Pensacola in the dwelling house of William Pantton (Merchant of that place) and heard the said Pantton by one interpreter give a talk to a Chief of the Creek Nation in the following words: William Pantton asked the Indian Chief if many of the Americans passed through the Nation, to which the Chief answered yes. Pantton then told him that he expected that the Americans had settled nearly all around them (meaning the Creek nation) and would take away their lands, and the Indians would all perish, for the Americans now do not give them any presents, and that the only way to prevent the Americans from taking their lands was for the Indians to take the hair of the Americans, and that alone would have that effect.

Question: Do you or do you not believe from the whole tenor

of the said William Pantan's conduct that he showed every disposition and done everything in his power to encourage the Indians to commit depredations on the inhabitants of the frontiers of Georgia and every other person said to be a citizen of the United States, and that he furnished them with arms and ammunition for that purpose.

Answer: I do believe that William Pantan did encourage the Indians to commit depredations on the Americans, and also that he furnished the Indians with arms and ammunition for that purpose. On the Sunday I heard the above talk delivered by William Pantan to the Indian Chiefs, he Pantan said something about ammunition in that way, but the exact words are not now in my recollection.

JAMES POWELL.

Sworn to before me
this the 17th day of June 1805
William H. Hargrove.

(304)

War Department July 3, 1805.

Sir:—

Your favor of the 27 of May last dated Chickasaw Nation was received on the second instant and in answer thereto, I have the honor to remark, that if any particular individual, among the Chickasaws, who may be opposed to the proposed cession of lands, and who may have considerable influence with the Nation, can be induced to change the direction of his influence, by any reasonable means, the Commissioners will please to act in such cases as circumstances may require.

I have the honor to be
very respectfully sir,
your ob. Serv't

Gen. James Robertson.

H. DEARBORN.

(305)

CHOCTAW AGENCY 2nd. September
1805.

Dear Sir:—

I returned to this place on the evening of the 30th ult. I sustained some fatigue and inconvenience on the rout, but I believe

not the greatest ever endured by man. The Choctaws in the lower towns have been in council and I hear the talks are straight as we expected. The upper towns are now in council, the issue doubtful. I am informed, (but by the worst authority) that Pukshunnubbee's heart is crooked, that he says that I have spoiled one talk, & he wishes all spoiled. I called at the old man's dwelling, as I came down, but he was not at home.

I obtained at Natchez upwards of three thousand dollars; twenty six hundred of which, or perhaps more, may be appropriated to the expense of the Treaty, if you think much more will be wanted for immediate use, you doubtless can procure it at Nashville.

There is every prospect from the long continuance of the rains that this country will be visited with a dysentary. I should recommend that Doctor Claiborne should prepare some medicine to bring with him to obviate the complaint. The travelling continues still bad, we had to swim our buggy over four large water courses, coming from Natchez. The Pearl river was crossed on rafts of cane.

Make my compliments acceptable to friends.

I am very respectfully sir,
your ob. serv't

Gen. Jas. Robertson.

SILAS DINSMOOR.

(306)

NASHVILLE August 8, 1805.

Sir:—

I have taken the liberty of writing you seperately, believing their may have been something omitted in Mr. Dinsmoor and my joint letter respecting the Treaties with the Choctaws and Chickasaws Indians. With the former I have hopes of success should you think proper to order another meeting in their Nation, as Mr. Dinsmoor and myself have given them to understand you will, provided we have power to receive lands from the lower Towns in the fork of the Alabama & Tombigby Rivers, if it cannot be attained according to your first instructions—the large scope of country it may take I think will be no obstacle, as they have been well advised on that head—Expecting to return to the Choctaws we thought it proper to keep the Chickasaw treaty open until fall, leaving it in their power to relinquish more territory if they choose

—I do not at this time expect any more on the north of the Tennessee River, & think it not very desirable was it not for the advantage of that river. but I think it possible that that part contained in your instructions south of Tennessee and west from the mouth of Duck to the Mississippi River, may be got by making the same reservation as is on that part between the Tennessee and Cumberland Rivers below the mouth of Buffaloe; This stream empties into Duck River on the South side about ten miles above the mouth of Duck—We did not think ourselves at liberty to make such reservations without your instructions—The reason no amnesty was allowed in the late purchase from the Chickasaws was that they needed twenty thousand dollars to pay their merchants and traders. We conceived that from the extent of territory relinquished by the Chickasaws to the United States, we were authorized to allow them one thousand dollars amnesty, but thought could it be obtained without, and should you allow it, that your liberality would greatly strengthen their attachment to our Government. I conceive the Indian lands to be past rising in their own estimation, both nations complain greatly of the small price we were authorized to offer for their lands,

I am sir your servant.

A true copy.

JAMES ROBERTSON.

(307)

CHOCTAW AGENCY, 8th December 1805.

Dear Sir:—

I set out instantly for Hobukintoopa and thence through the Creek country to the seat of Government, accompanied by Mr. Chambers. I have no news. The Choctaws appear perfectly satisfied with their last bargain, and so am I if the Treaty should be ratified.

I find the journal of the conference among my papers which ought to have accompanied our letter of advice and treaty. I think it better that the doctor should make another fair copy to accompany the letter then to charge you or myself with the postage to Nashville.

Sir respectfully

your obedient servant,

SILAS DINSMOOR.

General James Robertson.

(308)

War Department August 27, 1805.

Sir:—

The letter signed by yourself and Mr. Silas Dinsmoor dated the 23rd ultimo, accompanying the treaty with the Chickasaws and other papers, and also your letter of the 3rd instant, have been duly received. The President of the United States being at Monticello, prevents me from immediately obtaining his opinion, on the subject of another conference with the Choctaws. The consent of the upper Choctaws at the late conference, was such as to induce a belief that another ought not to be held with them immediately. A cession of land on the lower part of the Tombigby may probably be obtained, without the formality of an expensive negotiation. The unexpected, and what appears to me to be, unreasonable and unnecessary expense of the conference lately held with the Choctaws will probably have some weight in future deliberations relative to future conferences with that nation. Mr. Chambers' bill for necessities, conveniences and luxuries for the Commissioners very far exceeds what had been contemplated.

It may not be improper to inquire of you what became of the articles purchased and which must have remained on hand at the close of the conference. Among the extraordinary articles for an Indian Treaty in the woods, for two Commissioners, may be noticed the amount of two hundred dollars for raisins, mace, cinnamon nutmegs pickles etc., and other articles in like proportion. Presuming that the expenditures generally for the Treaty with the Choctaws had been made under the immediate direction of Mr. Dinsmoor my motive for mentioning the subject to you is merely to show that such things do not pass without notice.

I am very respectfully

Sir your ob. serv't

H. DEARBORN.

General James Robertson.

(309)

War Department August 29, 1805.

Sir:—

From the general knowledge, which I presume you possess of the country ceded by the Chickasaws at the late Treaty, I take it

for granted you can form a much more accurate estimate of the number of the acres contained in the cession, than can be made from any material possessed by the Government. I therefore take the liberty of requesting you to state, as correctly as your knowledge of boundaries will permit, the probable extent of the following lines, with an estimate of the number of acres contained in the cession, viz., the distance from the mouth of the Tennessee River to the mouth of the Duck River; the distance from the latter to the highway leading from Nashville to Natchez; the distance from the old line on the high ground to where the highway crosses Duck River; and the distance from Duck River, by the highway, to the waters of Buffaloe Creek; the distance from thence to the Chickasaws old fields on the Tennessee; the distance from thence, as the line probably run, to the head waters of Elk and Duck Rivers; and the distance from thence to the high way.

Please also to state the average width of the land between the old line on the high lands and Duck River to the westward of the high way and between the said old line & the Tennessee to its mouth.

I am very respectfully

Sir your ob. serv't

H. DEARBORN.

Gen'l James Robertson.

(310)

HOBUKINTOOPA 12 October 1805.

Dear Sir:—

I had the pleasure to receive this day your favor of the 26th September with several enclosed. I received also two letters from the Secretary of War, one censuring the anchovies of the Choctaw conference. I enclose you my answer. I think it highly interesting to the United States that you should come on immediately to meet the Choctaws in their present disposition. They offer more land than we asked the last time & in my opinion in a more important point as it will connect this district with that of Natchez by a belt about fifty miles wide on an average. I have no doubt we could obtain at least four and a half millions of acres, and if the present opportunity be lost it may be lost for years. Let me urge you to come and be at Pitchlynn's by the first of Novem-

ber at furthest. I will endeavor to have the Chiefs assembled by that time, & I think the business can be closed in a few days.

You will see by the enclosed that I have been very much indisposed and I do not expect to leave the house under a week.

I am very respectfully Sir,
your obedient servant,

SILAS DINSMOOR.

P. S. We shall have it in our power to wipe out the remembrance of the anchovies by the success of this treaty. I hope your fall from your horse will not prevent or render you unable to come.

(311)

HOBUKINTOOPA, 12th October 1805.

Sir:—

I have the last moment received your favors of the 28th & 29th of August to the contents of which I shall duly attend, though I can at present with difficulty sit up to write, being just on the recovery from a severe fever.

The result of the late councils in the Choctaws towns appears to be favorable to the interests of the United States, though not to the cession of land on the Yazoo. The great extent required in that favorite spot alarmed them & they now offer a tract along their Southern borders which will completely connect the district of Natchez with this county, & being extended eastwardly by the cession of the lower towns will amount to at least four and a half millions of acres. Pukhunnubbee has acted a very spirited part in the Councils. His warriors told him he must pay the debt with a small spot of ground. He replied, "I have tried that already, was made ashamed, and it will not do, we must give up enough to satisfy the claim." I wrote to General Robertson to come on immediately to meet the Indians in their present disposition and hope to present you a satisfactory account. The surplus of the supplies are reserved for that now in contemplation, and have been already removed into the Choctaw Country. By your authority I wrote to Mr. Chambers, making of him a requisition to make suitable arrangements for the comfort and accommodation of the Commissioners. The meeting took place before the supplies came, and when they did arrive, Mr. Chambers exhibited the in-

ventory and offered to withhold any part, and take on himself the loss which might arise from the disposal. This the Commissioners refused, and though a few unnecessary luxuries appear on the bills, I am persuaded, on investigation, that the whole supplies, (taking into view the number of Indians and the nature of the supplies) will be found to be made very economically. It ought to be known that though we were but two Commissioners and in the wilderness, the number at our table was at least thirty per day. Wine and brandy are as necessary to my health in this climate, as beef and bread to my subsistence.

I use both with temperance, and suffer none under my authority to use them to excess.

Mr. Chambers made the supplies not only promptly and on good terms, but in the manner entirely to the satisfaction of the Indians, and received the unequivocal approbation and thanks of the Commissioners.

I will avail myself of your previous permission and as soon as possible after the close of the conference set out for the seat of Government.

I am very respectfully

Sir,

Your obedient servant,

SILAS DINSMOOR.

The Honorable Henry Dearborn.

Secretary of War.

(312)

NASHVILLE October 26, 1805.

Sir:—

Yesterday I received a letter from Mr. Dinsmoor wherein he informs me that he had just received two letters from you & urged me in the strongest terms to come to an appointment where he has notified the Chiefs of the Choctaws to assemble in consequence of our having given them to understand that there would be a second conference should the whole nation come into the measures of the United States. He urges me to be at Mr. Pitchlynn's by the first of November which will be out of my power notwithstanding I set out tomorrow, the distance being upwards of three hundred miles and myself considerably disabled by a fall from

my horse which I sometime since received. I have hesitated since yesterday whether I should or could go on, but on reflection, it seemed that my going on as speedily as possible might save expense, whether Mr. Dinsmoor had received any further instructions from you or not, as it is more than probable the Indians would be assembled and wait sometime for my arrival, and fully believing as Mr. Dinsmoor does, should the present moment be lost, that there may not another offer for several years. I know that much pains has been taken exclusive of Mr. Dinsmoor's and Pitchlynn's influence, since we parted, to prepare the minds of the Indians, and I am confident that they have taken every measure to effect the wishes of the Government.

Mr. Dinsmoor informs me that the Indians offer more land than we asked for and that is in his opinion worth more—But sir, should Mr. Dinsmoor have further instructions than I have I should feel myself at liberty to finally confirm any purchase of lands except those described in my former instructions, but should I believe that an advantageous cession can be obtained, I will cheerfully co-operate with Mr. Dinsmoor and advise the Indians to disperse and delegate forever to a few principle Chiefs to confirm and assign the contract and wait your further orders which I hope you will forward as soon as possible to the First Master in the Chickasaw Nation—I have no doubt but Mr. Dinsmoor will join me in every measure to save expense and that will be to the interest of the United States. Mr. Dinsmoor did not mention in his letter to me that he has any late instructions from you, tho. in his to Doctor Claiborne (our Secretary) he mentions your letter to him authorizing the measure.

JAMES ROBERTSON.

A true copy.

The Honorable Henry Dearborn.

Secretary of War.

(313)

KNOXVILLE, 28th October 1805.

Dear General.

It is thought that this week will close the present session. Many and important considerations have received the deliberations of the Legislature, the Contents of which are too numerous for the

limits of this letter, between this and the rise I shall endeavor to compress in as small a compass as possible, the most important subjects, and whatever may have obtained maturity, and transmit the Same as early as practicable, The bill for dividing Mero into three judicial districts remains on the Senate table doubtful. the Bill for the establishment of Circuit Courts, was read the second time, in the house of Representatives, on Friday last and unanimously rejected. The Bill for retaking the enumeration was attacked on its first reading and rejected, to the great astonishment of the Mero Delegation, we shortly after entered a Bill to apportion the representation according to the late returns, this bill is now before the house; what may be its fate I know not, but hope for the best. I think some of the Hamilton members are beginning to view the consequences that will inevitably attend the rejection of such a Bill, Mero on her part has not been wanting to do anything which dispassionate reason could suggest to gain their consciences and inform their judgment. East Tennessee so denominated in the phraseology of the law, having long brandished the arm of power, in the Council of State, feel an awful struggling at laying it down, as the symptoms of her malady increase, the great moderation of Mero amid the Storm has not escaped the observation of all around.

We are just advised of the Conclusion of the present Treaty with the Cherokees, highly to the advantage of the United States, the line leaving the Tennessee at the mouth of the high way, which is about eight miles distant from the Georgy line, thence a direct course westwardly to the Ridge at the head of Buffalo. we expect more correct information on the subject, of which you shall be advised.

I am with considerations
of high Regard,

R. C. FOSTER.

Since writing the within, General William Polke has arrived in Knoxville, immediately from the Cherokee Treaty, which enables me to give you a correct statement of the Stipulations with that Tribe, which differs from what I have said within, \$17,000 appears to be the amount given, in manner following, that is to say \$3000 in hand, \$11000 in ninety days, and \$3000 annually forever, boundary beginning at the mouth of Duck River from thence a direct line, so as to strike the Tennessee River opposit

the mouth of the high wassee, thence up the middle of the Tennessee (reserving to the Indians all the Islands) to the mouth of the Clinch river also reserving to the Indians the bounds included between the Clinch river and a direct line from apposit a large Rock, below the mouth of Clinch to the Road, so as to cover the ferry landing, on the west side of the Clinch, also a mile square at South west point, and a mile square at the turn pike, provision is made for Road through different parts of their County on from Rutherford County to intersect the Road leading from South west point to Georgy.

I have not time to write to manny will you hand this to Dr. Robertson, for his perusal together with my respects.

R. C. FOSTER.

Gen. James Robertson.

(314)

SOUTH WEST POINT October 30, 1805.

Sir:—

On the 25th inst. after much exertion we signed a treaty with the Cherokees. The line is as follows: Beginning at the mouth of Duck River thence up the main stream of the same to the junction of that fork, at the head of which fort Nash stood, with the main south fork, thence straight to the mouth of High wassee thence up the Tennessee to the mouth of the Clinch and up the Clinch to the former boundary—reserving to the Indians a tract of one mile square near the turnpike gate—another of the same size at the place where Talootyke lives and a small section on the west side of Clinch to the Cherokees to secure their ferries—There is also a reserve of three square miles at and below the mouth of high wassee for the particular disposal of the U. S. I made an effort to extend the boundary to the ridge dividing the waters of Duck river from those of Buffaloe but without effect.

However, the treaty is here so far as I have heard highly approved. There is also a stipulation for two roads one leading from some convenient place near the head of stones river and to fall into the Georgia road now in use at some suitable place near the Cherokee Southern frontier. the other to proceed from the neighborhood of Franklyn and to cross the Tennessee at or near the Muscle Shoals and to proceed on the direct rout to the Tennessee settlements—both of these roads to be laid out by over-

seers on each side—On the 27th inst. we signed another treaty with the Cherokees for the whole of this tract of land extending from the point to Kingston, together with the first land in the Tennessee above the mouth of Clinch. also the use of a road along which the mail is to be conveyed from Tellico to Orleans, as these treaties are not ratified as yet, the substance is communicated to you in confidence that no ill use will be made of it, as to publication or otherwise. To effect them has cost us much labor and trouble. we kept out of view as much as possible all the stands on the road—They will now expire by their own limitation. After settling the accounts for the expense of the treaty, which will probably employ me about two days more, I move on by Knoxville to Washington.

Gen. James Robertson.

I am sir with great regard,
your ob. serv't

DAN'L SMITH.

Col. Meigs has seen and approved this letter.

A deputation of the Cherokees have obtained leave of the Secretary of war to visit Washington. Their object is to claim the services of the U. S. in deciding between their and the Chickasaw claim. I submit it to you whether it would not be proper to inform the Chickasaws of this circumstance, that they might send a representative to support their claim—I should be glad to have a communication from you whenever anything material comes up.

(315)

RALEIGH December 14, 1805.

Dear Sir:—

I arrived here on the 17th of last month, the day before the meeting of the Legislature of North Carolina; and on the next day delivered to his Excellency the Governor, the memorial of the Legislature of the state of Tennessee, which he communicated to the Legislature of this state. The memorial was referred to the committee on the Governor's message, consisting of twenty-four members. That committee was sub-divided, and six members assigned to the part of the Governor's message relative to the business of the State of Tennessee. The sub-committee unani-

mously agreed and reported to the committee of twenty-four in favor of the memorial. The committee of twenty-four concurred with the sub-committee and reported to the house a bill to repeal so much of the law vesting Tennessee with the power of perfecting titles to lands, as acquired the assent of Congress, passed by the Legislature of North Carolina, in the year of 1803. This bill passed the first reading in both houses without opposition, but was rejected on the second reading in the Senate. It was contended by myself at the bar that in the house the grounds of opposition were irrelevant and fallacious. But nothing that we said could induce them to pass the bill.

The Legislature of North Carolina at their last session, by a resolution, directed their senators and requested the Representatives in Congress to procure the assent of Congress to the law passed in 1803 vesting the State of Tennessee with the power of perfecting titles to lands. The senators on the second of March 1805, made their report to the Governor, which was laid before the Legislature at this session in the following words:

"An attempt has been made, without success, to obtain the assent of Congress to the act of the Legislature of North Carolina, authorizing the State of Tennessee to complete titles, etc. Upon this ground the State of Tennessee has publicly avowed a claim to the unappropriated lands within her bounds, and it was therefore supposed she would feel less inclined to check frauds in favor of her own citizens than the State of North Carolina would, and in addition that she has less the means of checking frauds."

This report of the Senators, perhaps, gave currency to the unworthy idea, that Tennessee would be less vigilant in the detection of frauds than North Carolina. Although this idea was not avowed in debate, yet it is believed to have had considerable influence on the vote which was given. Some gentlemen of the Legislature who were at first friendly to the passage of the bill, were led away by some ridiculous reports that the government of Tennessee would connive at frauds and speculations, if the power of perfecting titles to lands should be transferred to that State. The State of Tennessee have become chargeable with frauds, when she has not had an officer in the land department, and the charge is exhibited by those who are the immediate authors of those crimes. I drew a resolution yesterday, and procured it to be passed through both houses of the Legislature, directing the Senators

from this State in the Congress of the United States and requesting their Representatives to use their best endeavors to procure the assent of Congress to the law transferring to Tennessee the power of issuing grants upon all incomplete claims for lands. This resolution will immediately be transmitted by his Excellency the Governor to the Representations from this State in the Congress of the United States. Should this measure again fail it is with the Legislature of Tennessee to determine what course they will pursue.

I am, sir, with high consideration,
your humble servant,
JOHN WILLIAMS.

EDITORIAL NOTES.

JACKSON AND SEVIER.

In the last issue of this Magazine two letters of the Robertson correspondence have attracted much attention. These were letter 280, pages 373-374, from John Sevier to Gen. Robertson, and letter 281, pages 374-381, from Andrew Jackson to Mr. Bradford. Both letters relate to the same subject, Jackson's charges against Sevier relative to fraudulent land warrants. Sevier's letter is dated Nov. 8, 1803, and is a friendly letter to Gen. Robertson, denying the charges of Jackson without going into particulars, and denouncing Jackson as "one of the most abandoned rascals my eyes have ever beheld."

Jackson's letter to Mr. Bradford is dated July 19, 1803, and is evidently intended for publication or distribution. It makes direct and specific charges against Sevier of fraud and forgery, and offers evidence in support of the charges.

The quarrel between Jackson and Sevier is well known to all students of Tennessee history. Its origin, however, has escaped observation. The first act of open hostility is revealed in the postscript of Gen. Jackson's letter on page 381.

Previous to this time, however, there had been a feeling of jealousy between the parties, with some recrimination and sharp correspondence. As far back as 1797 their letters show mutual irritation, but as yet they had not come into collision as candidates for the same office. It had been the purpose to publish this correspondence of 1797, with comments, in this issue of the magazine. Lack of space, however, excludes it, and it is reserved for the next issue.

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HALF AN HOUR WITH SOME EARLY VISITORS TO TENNESSEE.

BY JOHN M. BASS.

The archives of the Tennessee Historical Society contain the manuscript diary of John Liscomb, a merchant of Halifax, North Carolina, who, setting out from that place in April, 1784, traveled the usual road through Cumberland Gap and Kentucky to Nashville, where he arrived July 4th. Liscomb afterward settled in Williamson County, Tenn., where he died in 1820, and was buried in the family graveyard of Col. Hardy Murfree, who seems to have been one of the party on this journey. Others who accompanied them were James Cryer, Wm. Roberts, Ireland, Capt. Budd, Capt. Walton, Salisbury, John Gatling, Manley, Toney, Boyd, Cassity, Cols. Robertson and Cloud, and a negro named May.

The diary has no great value further than it shows with much clearness the hardships and privations which attended residence or travel in the southwest at the time. From Hillsborough they traveled 260 miles with five feeds of corn, and "Mr. Ireland's horse for hunger et a stick as big as his Great tow." On the 13th of June "they came 10 miles to a Branch near a house; borrowed a pott and cooked three hens which had been flung away, the stench being very bad from the hens; but however we made out the Breakfast with the hens with a few slices of bacon & half bushel of claber & buttermilk; then came to Capt. Thos. Amis' five miles where we had an exceeding good dinner with what good grog we could hide." The party occasionally killed a deer or buffalo, and once shot a sitting wild turkey hen, which the writer says did "not make a very fat broth, but it could be made hott."

On the road they stop at "Mr. Shawls to get their horses shod, and did not get nothing to eat but Rosin-years," of which Capt. Walton partook too freely, and was made sick. The negro evidently did not get his share of the rosin years, for he ran away, taking the back track, and was not caught for several days. They pass on the road "an old woman's house which was built out of doors." "Roberts horse fell with him in Haw river among the rocks and run a great chance of being hurt & Roberts on him."

After spending the night of July 3rd at Red River Station, the party next day reached "the french Lick or Nashville where we continued in the neighborhood till 6th August 1784 frequently exploring the country out some times on Harpeth where the cain was so thick a man could scarcely ride; some times the youngsters reconnoitring the town of Nashville setting up all night till 2 o'clock in the morning."

Liscomb gives no further information of Nashville or its inhabitants, and what seems even more remarkable does not from beginning to end of his manuscript mention Indians, and this notwithstanding the fact that throughout this year Putnam says "the Indians made incursions into the (Cumberland) settlements and killed and plundered as they found opportunity and subjects."

In 1785 the French Government sent Andre Michaux, a distinguished botanist, to North America to study and collect plants. With great energy and courage he explored the United States and Canada for eleven years; in 1800 he accompanied a scientific expedition to Australia, and in 1802, while pursuing his researches in Madagascar, died of fever.

His son, Francois Andre Michaux, born at Versailles, France, in 1770, inheriting the father's talent and taste for botany, was also sent out by his government for investigation, and for many years traveled extensively in North America. His principal work, "History of the Forest Trees of North America," in four volumes, was published in 1810-13. In 1805 he published "Travels to the West of the Alleghany Mountains in the States of Ohio, Kentucky, and Tennessee," undertaken in the year 1802 under the auspices of the Minister of the Interior of France.

Some of his observations upon the people of Tennessee, as he spells it, are worth republication; especially as the book is long since out of print and quite rare.

Traveling from New York to Pittsburg, he visited, sometimes on foot, sometimes by boat, Wheeling, Marietta, and Gallipolis; thence passing through Lexington, May's Lick, Paris, and other towns in Kentucky, he entered Tennessee.

"On the 27th of August (1802)," he says, "I set off very early in the morning; and about thirteen miles from Mr. Kesley's I crossed the line that separates the State of Tennessee from Kentucky. There also terminates the Barrens; and to my great satisfaction I got into the woods. Nothing can be more tiresome than the doleful uniformity of these immense meadows where there is nobody to be met with; and where, except a great number of partridges, we neither see nor hear any species of living being, and are still more isolated than in the middle of the forests.

"The first plantation that I reached on entering Tennessee belonged to a person of whom I entertained a very indifferent opinion, by the conversation that he was holding with seven or eight of his neighbors, with whom he was drinking whisky. Fearing lest I should witness some murdering scene or other, which among the inhabitants of this part of the country is frequently the end of intoxication, produced by this kind of spirits, I quickly took my leave, and put up at an inn about three miles farther off, where I found every accommodation. The late Duke of Orleans' son lodged at this house a few years before. On the day following I arrived at Nashville, after having traveled twenty-seven miles.

"Nashville, the principal and the oldest town in this part of Tennessee, is situate upon the river Cumberland, the borders of which, in this part, are formed by a mass of chalky stone upwards of sixty feet in height. Except seven or eight houses that are built of brick, the rest, to the number of about a hundred and twenty, are constructed of wood, and distributed upon a surface of twenty-five or thirty acres, where the rock appears almost bare in every part. They cannot procure water in the town without going a considerable way about to reach the banks of the river, or descending by a deep and dangerous path. When I was at Nashville one of the inhabitants was endeavoring to pierce the rock in order to make a well; but at that time

he had only dug a few feet, on account of the stone being so amazingly hard.

"This little town, although built upwards of fifteen years, contains no kind of manufactory or public establishment; but there is a printing office which publishes a newspaper once a week. They have also begun to found a college, which has been presented with several benefactions for its endowment, but this establishment was only in its infancy, having but seven or eight students and one professor. There appeared to be from fifteen to twenty shops, which are supplied from Philadelphia and Baltimore, but they did not seem so well stocked as those at Lexington, and the articles, though dearer, are of an inferior quality. The cause of their being so dear may be in some measure attributed to the expense of carriage, which is much greater on account of the amazing distance the boats destined for Tennessee have to go up the Ohio.

"There are very few cultivators who take upon themselves to export the produce of their labour, consisting chiefly of cotton; the major part of them sell it to the tradespeople at Nashville, who send it by the river to New Orleans, where it is expedited to New York and Philadelphia, or exported direct to Europe.

"The inhabitants are very engaging in their manners, and use but little ceremony. On my arrival, I had scarcely alighted when several of them who were at the inn invited me to their plantations.

"All the inhabitants of the western country who go by the river to New Orleans, return by land and pass through Nashville which is the first town beyond the Natches. The interval that separates them is about six hundred miles, and entirely uninhabited; which obliges them to carry their provisions on horseback to supply them on the road. It is true they have two or three little towns to cross, inhabited by the Chicasaws, but instead of recruiting their stock there, the natives themselves are so indifferently supplied, that travellers are obliged to be very cautious lest they should wish to share with them.

"On the fifth of September I set out from Nashville for

Knoxville, with Mr. Fisk, sent by the State of Tenn. to determine in a more correct manner, in concert with the commissioners of Virginia, the boundaries between the two states. We did not arrive till the 9th at Fort Blount, built upon the Cumberland about sixty miles from Nashville; we stopped on the road with different friends of Mr. Fisk, among others, at the house of General Smith, one of the oldest inhabitants of the country, where he has resided sixteen or seventeen years. It is to him that they are indebted for the best map of this state, which is found in the Geographical Atlas, published by Matthew Carey, bookseller, at Philadelphia. He confessed to me notwithstanding, that this map, taken several years ago, was in many respects imperfect.

The General has a beautiful plantation cultivated in Indian wheat and cotton. In his leisure hours he busies himself in chemistry. I have seen at his house English translations of the works of Lavoisier and Fourcroy.

"We likewise saw, en passant, General Winchester, who was at a stone house that was building for him on the road; this mansion, considering the country, bore the external marks of grandeur; it consisted of four large rooms on the ground floor, one story, and a garret. The workmen employed to finish the inside came from Baltimore, a distance of nearly seven hundred miles.

"Between Nashville and Fort Blount the plantations, although always isolated in the woods, are nevertheless, upon the road, within two or three miles of each other. The inhabitants live in comfortable log houses; the major part keep negroes, and appear to live happy and in abundance.

"Fort Blount was constructed about eighteen years ago, to protect the emigrants who came at that time to settle in Cumberland against the attacks of the natives, who declared a perpetual war against them, in order to drive them out; but peace having been concluded with them, and the population being much increased, they have been reduced to the impossibility of doing them farther harm, and the Fort has been destroyed. There now exists on this spot a beautiful plantation, belonging to Captain William Samson.

"Knoxville the seat of government belonging to the State of Tennessee is situate upon the river Holston in this part nearly 150 fathoms broad. The houses that compose it are about two hundred in number and chiefly built of wood. Although founded 18 or 20 years ago, this little town does not yet possess any kind of establishment or manufactory except two or three tan yards. Trade notwithstanding is brisker here than at Nashville. The shops though very few in number are in general better stocked. The tradespeople get their provisions by land from Philadelphia, Baltimore and Richmond in Virginia. The price of conveyance from Baltimore is six or seven dollars per hundred weight.

"They send flour, cotton and lime to New Orleans by the river Tennessee; but this way is not so much frequented by the trade the navigation of this river being very much encumbered in two different places by shallows interspersed with rocks. We alighted at Knoxville at the house of one Haynes, the sign of the General Washington, the best inn in the town. Travelers and their horses are accommodated there at the rate of five shillings per day; though this is rather dear for a country where the situation is by no means favorable to the sale of provisions which they are obliged to send to more remote parts. The reason for things being so dear proceeds from the desire of growing rich in a short time, a general desire in the United States where every man who exercises a profession or art wishes to get a great deal by it and does not content himself with a moderate profit as they do in Europe. There is a newspaper printed at Knoxville which comes out twice a week, written and published by Mr. Roulstone."

Michaux states that the French Canadians called the Cumberland, Shavanon River; the Tennessee, Cherokee River, and also says the signification of the name Tennessee was unknown to the Cherokees and Choctaws, and infers that it had been bestowed by some tribe who preceded them.

He says that settlers in West Tennessee for the first year, and even travelers, are subject to an exanthematic affection, very appropriately called the Tennessean itch, and that he cured himself by repeated bathings in Cumberland and Roaring rivers. He regards the manners of the people of Tennessee and Kentucky as very similar, but the Tennesseans appear not so re-

ligious, although they are very strict observers of Sundays. There were few churches in Tennessee, and itinerant preachers wandered in summer through the country and preached in the woods.

Michaux visited the iron works thirty miles from Knoxville, surveyed the banks of the Nolachucky, and passing through Greeneville and Jonesborough made his way by North Carolina and Georgia to Charleston, S. C., whence he sailed for France March 1, 1803.

In 1796 & 7 Francis Baily, an Englishman, then only 22 years of age, who afterward became president of the Royal Astronomical Society, and who wrote as many as 91 treatises and addresses, principally on astronomical subjects, made a tour of the unsettled parts of North America; on his way from New Orleans to New York he traversed Tennessee on horseback, spending a few days at Nashville, and traveled alone over the greater part of the wagon road from Nashville to Knoxville.

Parton's life of Jackson contains such copious extracts on Tennessee from Baily's interesting story of his travels, published in London in 1851, after his death in 1844, that only some of its striking incidents need be reproduced here.

Baily, before visiting Middle Tennessee, had gone from Cincinnati down the Mississippi to New Orleans in one of the flat-boats then in use, and gives this account of a short stop at Chickasaw Bluffs, now Memphis:

"At sunset May 2 (1797) we came to Chickasaw Bluffs, called in Hutchin's Map the Cliffs of Margot. . . . There are here about five or six families settled who may be called half Indians; that is they are persons who in habit & manners are nearly allied to them & have generally inter-married into the Indian families. The Spaniards had lately a fort here which they preserved merely to keep their chain on this river; but on account of the treaty lately entered into with America they agreed to evacuate all the forts on the eastern side of the Mississippi above the latitude of 31 degrees north, and in consequence of this agreement they had destroyed this fort & erected another on the shore immediately opposite. Soon after we had been here we observed a boat coming across the river from this fort & presently Don Grande (who with twelve men commands that place) came on board us attended by two or three of his soldiers, we supposed for the pur-

pose of inspecting our passports. I had advised our party if he behaved insolently toward us to treat him with contempt or punish him for his impudence well knowing that the Spanish had no right to exact this submission from us; but that if he behaved civilly we should not only return it but show him our passports, at the same time giving him to understand that it was not done through compulsion but to avoid the disagreeableness of a contest between us. As they were mostly Kentuckians with us, who are all men of a fiery temper & independent spirit, and who cannot bear the least thing which appears like submission to an oppression, there was very little difficulty in bringing them to this measure. However there happened to be no cause of alarm as our haughty Don (as we conceived him) proved to be a very sociable sort of man. & we were so far pleased with him as to make him stop supper with us, and after spending a very pleasant evening he retired across the river."

As England and Spain were then at war Baily thought it prudent to conceal his nationality whenever he met the Spanish, and called himself an American. He formed an unfavorable opinion of the Spanish officials on the Mississippi, and intimates they were all in league to rob traders. He mentions Red River, and the Black River which empties into it 30 miles from the Mississippi, and says "the famous Ferdinand Soto ended his discoveries and his life at the entrance of this river, and was buried there."

Baily, about the time he reached Tennessee, had made the acquaintance of the poison vine, and the three pages which he devotes to this subject is a curious mixture of enthusiasm and sorrow. He describes and classifies the vine with the enthusiasm of a scientific observer; and groans over feet so badly swollen that he cannot wear his shoes. Fortunately an Indian guide makes for him a poultice of herbs which relieve him, but the incident caused much annoyance and loss of progress.

Baily and two companions had great difficulty in crossing the Tennessee river, which he reached from the west, at a point some sixty miles from Nashville, and on an improvised raft containing their baggage were swept by the current four or five miles down stream. They were rescued by some friendly Indians, and finding their horses had crossed safely, started to Nashville, "which it took them 7 days to reach, during which they came near starving, so destitute was that region then of inhabitants

and resources." Not a white man did they meet, nor any sign of a civilized abode until they came within 12 miles of Nashville. For some days their only food was dried corn, while their horses subsisted upon cane.

On nearing the town he "met two coaches fitted up in all the style of Philadelphia or New York, besides other carriages, which plainly indicated that a spirit of refinement and luxury had made its way into this settlement."

"The place contains about 60 or 80 families; the houses chiefly of log or frame scattered over the whole site of the town so that it appears larger than it actually is." He refers to several other little towns in the neighborhood of Nashville, stating that the banks of the Cumberland were well cultivated for a considerable distance, and that "Major Nelson is forwarding a settlement and laying off a town at the head of Harper's Creek, about 25 miles off, where he sells his half acre town lots for ten dollars, and his out lots of ten acres for thirty dollars, on condition that improvements are to be made and a house built within two years."

"The price of land about the vicinity of this place, unimproved, is from one to four or five dollars, according to its situation and neighborhood."

He complains of the accommodations at a tavern kept by Major Lewis, and says "there were three or four beds of the roughest construction in one room, which was open at all hours of the night for the reception of any rude rabble that had a mind to put up at the house; and if the other beds happened to be occupied, you might be surprised when you awoke in the morning to find a bed fellow by your side whom you had never seen before, and might never see again. All complaint is unnecessary, for you are immediately silenced by that all powerful argument—the custom of the country—and an inability to remedy it; or perhaps your landlord may tell you that if you do not like it you are at liberty to depart as soon as you please."

He says he knows of no other particulars of Nashville except that it is the principal town in this western division of the State; that the country about is pretty well settled, considering the time of its first establishment, and "that most of the inhabitants are chiefly concerned in some way of business; a storekeeper is the

general denomination for such persons, and under this head you may include every one who buys and sells."

Baily intended to remain at Nashville some time to rest his jaded horses, but finding no person in the neighborhood who had a good pasture, and being tired of his lodgings, sets out for Knoxville, on the Holstein, as he calls it. To accomplish this journey he had to cross a wilderness of 300 miles; "this properly commences about sixty-two miles from Nashville, though the whole of the distance is scarcely better than a wilderness after you proceed half a dozen miles from the town; for the houses are so far apart from each other that you seldom see more than two or three in a day." He was still looking for a place where he could stop and refresh his horses, "for there is no part of these new settlements but you may take this liberty if you pay them well for it; the idea of their being hospitable and doing a kindness to strangers for nothing is false. This hospitality is only shown to neighbors, where they expect it will be repaid by the same return, and arises from the want of inns on the road where travelers may call and do as they please."

Baily had a hard journey to Knoxville, he and his horses frequently going without food; he was deluged by rains, often slept in the cane brake, and suffered for want of water in a country full of springs. He crossed the Cumberland River at the mouth of Caney Fork; ascended the Cumberland Mountains; passed the Crab Orchard, where he began to meet throngs of immigrants on their way to the Cumberland settlements, and finally reached Knoxville, when his journal abruptly and without explanation terminates.

Baily's is one of the most interesting, and probably one of the most truthful, accounts given by early travelers in the South and West. He frequently expresses his sorrow for the slaves he sees, and his condemnation of the system of which they are the victims; he grumbles occasionally at the hard fare he has to endure, or at the excessive charges of a landlord or a ferryman; but on the whole his opinions of the people he meets, and the conditions he describes, are fair and tolerant.

In 1797 Gilbert Imlay, a captain in the American army, published the third edition of a "Topographical Description of the Western Territory of North America, containing a succinct account of its Soil, Climate, Natural History, Population, Agri-

culture, Manners, and Customs;" to which the author adds thirteen articles or chapters, one of which is entitled, "Description of the State of Tenasee and of the Southwestern Territory." This article is accompanied by a "map of the Tennessee Government taken chiefly from surveys by Genl. Daniel Smith and others, published in London June 1st 1795."

On this map the rivers of Tennessee and even their tributaries are located with an accuracy that is surprising for the period, and have figures showing their width; shoals, fords, and islands are indicated; many Indian villages are shown, but no white settlements except Nashville; Knoxville, and Clarksville.

This is probably the same map referred to by Michaux in 1802 as having been published by Carey, of Philadelphia, in the Geographical Atlas, and which Genl. Smith, with a modesty which was characteristic of the man, acknowledged was not perfect.

Inlay's book of some 600 pages is to a great extent arranged as letters to a friend in Europe from one who had spent twenty-five years in the wilds of America. The writer frequently employs himself with conjectures on the future of the young country and suggestions for its development and improvement. One of his estimates is remarkably accurate; he supposes the population of the United States (1795) to be five millions, and that it doubles once in twenty or twenty-five years, which would give in one hundred years sixty-four millions; which was not far from the population as given by the census of 1890. He predicts that the country will be settled across to the Pacific within a century. He points out that the Mississippi River can be used as a cheap mode of transportation from the West to the sea, but suggests the distance can be much reduced by straightening the course of the river, which can be done at small expense by cutting ditches across the bends, through which the stream would quickly cut its channel. This, he claims, would enable vessels to go up the river with favorable winds with no greater effort than what is necessary to spread their sails. He shows that by the adoption of his plan, salt, which it then cost something less than three-eighths of a dollar per bushel to freight from New Orleans to Nashville, and pork, flour, and other produce which it cost three-eighths of a dollar per barrel to freight from Nashville to New Orleans, could be taken to

the seaboard at a less cost than it could be wagoned fifty miles in any country; and this was the more true because, referring to the agreement of 1795 for the free navigation of the Mississippi, "the treaty lately negotiated with Spain by Mr. Pinckney contains such indisputable proofs of reciprocity and liberal sentiment as cannot fail to beget and cherish confidence and affection in every citizen of the United States toward the Spanish nation."

Another prophecy of the author is worthy of reproduction here. He says further of the Mississippi: "Whether its navigation be good or bad, it is the only one for all the interior parts of North America, which are as large as the greater parts of Europe; no part whereof can be of any use to foreign commerce without the navigation of the Mississippi and settlements upon it. Not without reason then has it been said that whoever are possessed of this river and of the vast tracts of fertile land upon it must in time command that continent and the trade of it as well as all the natives in it by the supplies which this navigation will enable them to furnish those people."

Here is his estimate of Mr. Jefferson:

"Before I finish this letter I shall just enter into some of the minutiae of the distance and time of descending down the Ohio, which will serve for an account of all the other rivers. Mr. Jefferson has stated that the inundations of the Ohio begin about the last of March and subside in July. He has written his notes on Virginia like a man of erudition and considering he never was in this country" (Kentucky) "he has given such an account of it as cannot be displeasing to an European. But as in everything which has characterized his political life his judgment in this appears superficial and his mind attached to the theory of its own fabrication."

Further on he seems in better humor with Jefferson, for he says "his account of the natural history of this country is generally to be depended upon, so that it is scarcely possible to make any improvement upon it until further discoveries have arisen."

In the text of the article on Tennessee only three towns seem worthy of mention: Knoxville, the seat of government, which had a printing office, "and whose inhabitants enjoyed the advantage of communicating to every part of the United States

by post;" Nashville, the district town of Mero, and in which Davidson Academy is situated, and Jonesborough, the capital of Washington District.

In speaking of the health of the inhabitants of (Middle) Tennessee, he says: "Whether it proceeds from the goodness of the water, the purity of the air, the temperature of the climate or whatever else may have been the cause, the inhabitants of that country have certainly been remarkably healthy ever since they settled on the waters of Cumberland River; whence it appears the climate is healthy and pleasant."

The book contains the Constitution of the State of Tennessee (of 1796), narratives of John Filson and Daniel Boone, essays on the present situation of landed property in America, and preservation of peace with the Indians; the treaty with Spain, prospectus of the North American Land Company, and many public documents.

G. W. Featherstonhaugh, geologist, member of several learned societies of England, and commissioner for Great Britain in the existing boundary dispute between that country and the United States in 1839, spent parts of 1834 and 1835 in making an "excursion through the slave States from Washington on the Potomac to the frontier of Mexico," an account of which he subsequently published in London.

Unlike the preceding works quoted in this article, a strong vein of egotism and boastfulness runs through his entire book. He evidently made an almost daily habit of intimidating American ruffians and desperadoes, and, like Dickens, continually regretted the difference between English and American foods, beds, and public conveyances; also like Dickens, he dwells at great length on the evils of the slave system, and paints in darkest colors a well-known Tennessean who was engaged in the slave traffic. This man he publicly denounced for daring to wear upon his hat a badge of mourning for Lafayette, who had recently died, and being at the same time employed in enslaving human beings.

Featherstonhaugh traveled from Washington through Maryland and Virginia and entered Tennessee at Blountsville. Though he did not reach his inn until nine o'clock at night, before going to bed he had, with his fists alone, whipped a man from Alabama who wore two pistols and a dirk. He passed

through Knoxville, and on arriving at Campbell's Station, "found Genl. Jackson, the venerable president of the United States, then on his way to Washington, seated at a window of the tavern, smoking a long pipe." Featherstonhaugh's son, who was with him, after being introduced, apologized to the President for the condition of his hands, as he had been making geological investigations; to which Jackson replied: "If you were a politician you would have dirty work on your hands you could not so easily get rid of."

Passing through Sparta and Lebanon "we now drove on to the Hermitage, the plantation of General Jackson, the President. I had seen at a tavern in Virginia a box directed to him, and learnt accidentally that it had been waiting there several weeks; the contractor of the stage having refused to forward it because the carriage was not paid, and because he was opposed to the General in politics. I therefore took it under my care, and mentioning the circumstance to him when I met him at Campbell's Station, the old gentleman told me that the box contained his favorite saddle, and that he had been inconvenienced for the want of it during the short holiday he had been indulging in from the seat of government. The mansion-house at the Hermitage—where I stopped to deliver this box—is built of brick, and is tolerably large; everything was neat and clean around it, the fences were well kept up, and it looked like the substantial residence of an opulent planter. The estate is said to be a very fine one, to consist of 700 to 800 acres of cleared land, two hundred acres of which are in cotton at this time, and to extend to the Cumberland river. The quantity of cotton which the land yields in this part of Tennessee is small compared with the great productiveness of the rich bottom lands in the 33rd & 32d degrees of latitude farther south where the plant comes much nearer to perfection.

"A plain farmer of the neighborhood who got into the stage with us, not far from the Hermitage, to go to Nashville, and who had lived near Gen. Jackson betwixt twenty and thirty years, gave us a very interesting account of this distinguished man; which making allowances for the partiality of a neighbor who shared his political opinions, I have no doubt is founded on truth. He said the General was an industrious managing man, always up to all his undertakings, and most punctual in

the performance of his business engagements; that his private conduct was remarkable for uniformly inclining to justice, generosity and humanity; that he was an excellent master to his slaves, and never permitted his overseers to ill treat them. As to his house, he said it was constantly full of people, being in fact open to everybody; those whom he had never heard of before being asked to dine when they called, and those they had room for being always furnished with beds. For these reasons, he said, everybody respected him, and most people loved him. As to his public conduct, he observed that he was rather an uncompromising man, and liked to have his own way, but that his own way was always a very good one, and a very sensible one if he was left to himself. He was a man of strong passions, and had once been very much addicted to cock fighting, horse racing and 'considerable cursing and swearing,' but that he had 'quit all these,' and was in earnest about doing good to the country. And he added, that if the General was not always right, it was to be laid to the score of some of his political friends, who imposed upon him for their own private ends, a thing not very difficult to do, because when he thought a man his friend he was too apt to go great lengths with him. These remarks, which fell from our fellow traveller in a quiet, sensible manner, are so much in accordance with what I have observed and seen of one of the most remarkable men the United States have yet produced, that I listened willingly to a very curious account he gave me of some incidents of the General's early life, which, I believe, have been greatly misrepresented.

"About 1 o'clock P.M. we fell in with an excellent macadamized road, leading to Shelbyville, and soon after came in sight of Nashville, the centre of civilization of the western country. Its appearance was prepossessing. We soon reached the public square, and alighted at a good-looking inn, called the City Hotel, where at last we found some comforts after getting over 900 miles in one way or another since the 1st of August.

"Nashville contains about 6000 inhabitants, has a public square, churches, meeting houses, markets, etc., and is built upon a lofty knoll of limestone, the fossiliferous flat rocks of which come to the surface; there is also a commodious bridge which connects the town with the northern bank of the Cumber-

land River, and on the road to Kentucky. Some of the streets are steep and encumbered with sharp pieces of limestone, that punish the feet severely in walking. There is an excellent spacious building in the vicinity called the Penitentiary, and another is erected for a hospital. Coming from the wilderness where we have been leading rather a rude life for some time, Nashville with its airy salubrious position, and its active bustling population, is quite what an oasis in the desert would be; and when the improvements are made in the navigation of the Cumberland River, and in the public roads, it cannot fail to become a populous town.

"One of my first movements was a walk to the college to see Professor Troost, who is a great enthusiast in geology. It is to be mentioned to the honour of the State of Tennessee, that it has been one of the first of the American States to patronize science, by allowing him five hundred dollars a year as geologist to the State, in addition to his appointment at the college as professor of chemistry and natural history, to which a salary of one thousand dollars is attached."

Featherstonhaugh visited Daniel Ridley, then 95 years old, who had come to Nashville in 1790, and whose fort or blockhouse was still standing and shown to the Englishman. This old gentleman told him he had but recently undertaken to count his descendants, but had given it up as a troublesome job after getting as far as three hundred.

The blockhouse is described as being about twenty feet square, made of logs, with a projection of four feet for the second story, from which the occupants "could fire perpendicularly down upon their besiegers if they should attempt to run up to the blockhouse to set fire to it."

After packing his geological specimens into casks for shipment via New Orleans to New York, Featherstonhaugh left Nashville acknowledging he had received very pleasing impressions of the place and its inhabitants. On his way to Louisville he "met the Tennessee race horses on their return from the Louisville races, where they had triumphed over the Kentucky horses to the great mortification of the Kentuckians."

GENESIS OF THE JACKSON--SEVIER FEUD.

BY A. V. GOODPASTURE.

The origin of the Jackson-Sevier feud is rather obscure. The letters here published for the first time, it is believed will throw some light on the subject. Parton* traces the trouble to a chance discovery by Jackson, while on his way to Philadelphia, in 1796, that frauds were being perpetrated in North Carolina warrants for lands in Tennessee, which fact he communicated to the Governor of North Carolina. A legislative investigation followed, which established the truth of Jackson's information. "Among those who had unsuspectingly bought and sold the lands said to have been fraudulently obtained," he continues, "was no less a personage than John Sevier, Governor of the State. And among the quarrels that grew out of the business was a most fierce one between him and the innocent cause of all the trouble, Judge Jackson."

The charges of fraudulent land transactions preferred by Jackson against Sevier, which are fully set out in his circular letter to Mr. Bradford, No. 281 of the Robertson correspondence, at pp. 374--381, of the present volume of the AMERICAN HISTORICAL MAGAZINE, was an incident to the antagonism between the two great Tennesseans, rather than the occasion of it. The real ground of trouble seems to have been a rivalry—especially in martial affairs, though Jackson had not then held any military office. Governor Sevier refers bitterly to Jackson's want of military experience when he was elected Major General in the following

"CIRCULAR."

"Knoxville, November 1803

It is well known to the executive that no act he can do will give a certain party satisfaction.

*Parton's Jackson, Vol. I., p. 231.

I hope I shall be believed when I take the liberty to assure my fellow citizens that I am as much disposed to favor and indulge every officer agreeably to his rank, grade and past services as any gentleman that appears as much the sticklers for routine, nor have I ever given a vote to promote any inexperienced person in the ranks, to the command of Major General and other militia officer in the State, and that done too in the face of the law and constitution, see 2nd sec. of the Militia law, nor will I ever do so, let me or others conjecture his talents and qualifications to be what they may.

JOHN SEVIER.*

But, notwithstanding Jackson's inexperience, he seems to have had a consciousness of military genius, that kept him constantly in the closest touch with all military matters in the State, and produced in him a feeling of rivalry with the famous Indian fighter, Sevier, which would have been ridiculous if events had not shown his merits to justify his pretensions. This is the view that seems to be sustained by these letters, which antedate by several years the charges of fraudulent land transactions, which, indeed, Jackson's Bradford circular shows to have been introduced for the purpose of promoting his election as Major General in 1802.

In the postscript, he defends Gov. Roane against the charge of appointing Sevier as one of the Commissioners to adjust the boundary line with Virginia, after having knowledge of the charges against him in relation to forgery and fraudulent warrants. His statement is as follows:

"I will answer the objection by stating a few facts—Maj. Carter's affidavit bears date 16th of February, 1802, the Secretary of State (William Maclin) certificate of counting out the votes for Major-general bears date of 16th February, 1802. The official letter of Gov. Roane, announcing to the Governor of Virginia the appointment of Messrs. Fisk, Sevier, and Rutledge commissioners to run the line, is dated the 5th February, 1802,

*Archives in the Secretary of State's office.

which is ten days previous to Carter's affidavit, this letter is recorded in the Secretary's office, and open to the eye of every person, hence it follows that the appointment of Sevier was made before Governor Roane had any documents before him."

In defending Gov. Roane, Jackson shows that the affidavit of Carter, the basis of the charges against Sevier, was filed with Gov. Roane on the very day that the votes for Major-general were counted, and when the Governor was called on to give the casting vote.

The office of Major-general was one much coveted among the pioneers of Tennessee. The first Legislature that met in the State required the brigadier-generals and field officers of the three districts of the State to meet at Jonesboro, Knoxville and Nashville, on the second Thursday in November, 1796, and vote for one Major-general of the State.* When they met at Nashville, Andrew Jackson was present as a "private citizen," and became involved in a violent controversy with Joel Lewis, who claimed some sort of power under the authority of Governor Sevier. There was much feeling over the election. This is shown not only by the dramatic incident at Nashville, but by the fact that a notice of contest was filed against General Conway's election. The following letter is from the archives in the Secretary of State's office:

Knoxville 8 Mch. 1797.

Sir

Your election like a number of the others is contested, and the complaint, principally is, that Gen. Winchester contrary to law, voted for Major-general at Knoxville in the District of Hamilton, at the same time he was Brigadier of the District of Miro, and they contend was only entitled to have given his vote in his own district; as I have no power to determine contested and disputed elections, it must of course be laid before the next General Assembly for their determination.

I have the honor to be &c.

Geo. Conway, Esq.,
Greene County.

JOHN SEVIER

Our whole knowledge of the Nashville election is contained in the following letter from the State Historical Society collections, Book J 1, No. 3:

* Roulstone's Laws of the State of Tennessee, p. 84.

Nashville May 8th 1797.

Sir—

From your friendly communications to me whilst I was in Philadelphia, I was convinced you had been rightly informed of the expressions made use of by me at the election of the General and field officers of the militia for this District, with respect to your official conduct in communicating your constitutional power as the executive of the State to another, and had truly construed it to be the right of every citizen to take notice of the official conduct of any officer of government and express their sentiments thereon;

But, Sir, behold my surprise when I returned and found that amidst those friendly communications to me, you had wrote a letter to General James Robertson and another to Mr. Joel Lewis, in which you had made use of the following language respecting me: "that you did not regard the scurrilous expressions of a poor pitiful pettyfogging lawyer, and you treated them with contempt." These, Sir, are expressions that my feelings are not accustomed to, and which my conduct through life by no means merits, and which, Sir, I will not tamely submit to.

With respect to the scurrility mentioned in your letters as having been made use of by me, it is necessary here to state facts and from them enquire whether the expressions deserve the epithet "scurrilous."

I was present at the election as a private citizen, and conceived I had no right to interfere, as the representatives of the citizens (the officers elected by them) were convened for the purpose of electing the officers, pointed out by the constitution to be elected by them, and who alone were legally and constitutionally authorized to conduct and debate upon any question at the election, and when I heard your constitutional powers to transfer any of your official duties to another questioned and brought under debate, was still determined to be silent; But seeing Mr. Joel Lewis rise upon the question, and to enforce his reasoning, produce a private letter wrote him by you, and viewing him in the same situation of every other private citizen, without just right of debate; Viewing, Sir, with horror, a private letter from the executive of the State, produced to influence the officers to do that which, in my opinion, was an unconstitutional act, and which would establish a precedent dangerous to the rights

of the people, I proceeded to reply to Mr. Lewis with some warmth, and observed in substance as follows: I was sorry that I was compelled to expose the ignorance of the Governor in his attempting to communicate to others those duties that by the constitution was confined to him alone, and in the debate I further observed that it mattered not that the power was transferred to a good man, the constitutional right being tacitly surrendered and the precedent once established, the executive might transfer the power to any person even to Thomas McFarlin if living. These were the substance of my expressions in reply to Mr. Lewis, without personal reference to your character further than the rules of argument and the conduct of Mr. Lewis justified.

Mr. Lewis certainly meant to put himself indecently at the head of a party, and when I saw him produce your letter to influence unconstitutionally an election in which he ought to have had no concern—

The first idea that struck me was that he was authorized so to do, by you, otherwise he would not have taken the liberty to produce your letter, whether this was the case, you alone can determine—from which I must still conclude, that my expressions did not merit the epithet “scurrilous.”

But, Sir, let me ask why those private letters containing those expressions concerning me, why not, (if you thought I had injured you) the letter directly to me, calling upon me for an explanation of the injury I had done you, why sir, this private attack on my character to a man (Mr. Lewis) that was my enemy, who publicly show it in the court yard, which I suppose was countenanced by you, or he would not have taken the liberty of showing it to the publick, but this rests with you, whether this is the case or not, and all this in my absence, this conduct requires an explanation and the injury done my private character and feelings require redress.

An answer to this letter is expected.

I am, sir,

Your mo. ob. serv.

Governor John Sevier.

ANDREW JACKSON.

Addressed:

“His Excellency

John Sevier—

—Presant”—

This letter was written while Governor Sevier was in Nashville, and was answered the same day. Then followed two other letters from Jackson, which sufficiently explain themselves:

[Box JI, No. 4.]

*Nashville May 10th, 1797.

Sir

Your letter of the 8th instant has recd every consideration, which I have been able to give, and be assured, Sir, that your sentiments and ideas on abstract principles entirely accord with my own. Facts may be misstated, and it is not improbable they were, in the instance before us. I can assure you, Sir, that at the time the expressions were made use of by me, in the case of the election, I was neither your political nor private enemy, nor am I yet inclined to be so, but I feel the sweetness and necessity of protecting my feelings and reputation whenever they are maliciously injured, as, sensibly as yourself or any other person.

It is with pleasure, sir, I now remark to you, that I think you had no malicious design to injure my reputation, and that your letters proceeded from the warmth of the moment.

That you were not actuated by party spirit I hope, and am willing to believe was the case, though I can assure you, Governor Sevier, that when I saw Mr. Joel Lewis making use of your private letter for a public purpose, I had a right to think otherwise.

Far be it from me to think, Sir, that for any errors in the discharge of your duties, you are answerable, except in a constitutional manner, but for malicious slander all men are answerable at the bar of honor—This I hope applies to neither of us in the present case.

Permit me, Sir, to request in future, that as far as it respects myself, you will pay some attention to the essential distinction between observations involving your political conduct by way of argument, and such as are malicious and personal.

In regard to the conduct of Mr. Lewis, I have nothing to say in this letter, except that as by producing your private letter *to answer his own purpose* it unavoidably brought your political conduct in view.—If Mr. Lewis produced your letter without your approbation he is answerable to you and not to me—One

thing is certain, and needs no demonstration, from the nature of the transaction itself; that the warmth of argument originated between Mr. Lewis and myself; upon this subject no doubt Mr. Lewis is pretty well informed. If he is not he ought to be,—

From the impressions I now hold, it will give me pleasure to converse with you personally on this subject, in the presence of such of our friends as may be agreeable to you and myself to name—Be pleased therefore to state some convenient place and time in Nashville where I can see you.

Your most obedient Servant

ANDREW JACKSON.

His Excellency
John Sevier—

Addressed—

“His Excellency
John Sevier
—present—”

*Nashville 13th May 1797.

Sir

I attended at the room appointed, and waited to have the pleasure of seeing you until half after nine, and professional business prevents me from waiting any longer.

I am, Sir, your most ob. serv.

ANDREW JACKSON.

His Excellency
John Sevier

*Box J1, No. 5.

Phelan says that Sevier's bitterness was enhanced by an appearance of flagrant ingratitude, for Jackson owed his original appointment as Judge to Sevier.* This statement would seem to be too strong, in the light of the following letters from William and Willie Blount:

*Knoxville July 6th 1798.

*Box B2, No. 158.

Sir

Your excellency will recollect that some days past I suggested to you that I had reason to believe Mr. Andrew Jackson would accept the office of Judge in the place of Mr. Tatom resigned.

*Phelan Hist. Tenn., p. 243.

A letter from him which I had received in answer to one I had written him, in which I had informed him it was the wish of many people in this quarter of the State that he should do so if by you appointed had authorized me to make to you the suggestion above alluded to, towit: that he would accept if appointed. I have now to inform you that by General Robertson I received a second letter from Mr. Jackson of the 24th ult. to the following effect:

"I forgot, when I answered your letter to observe to you that it would not be agreeable to me to receive the appointment in the judiciary if any of my friends had it in view, and could obtain it. It is a principle with me never to be departed from, if I can avoid it, not to stand between a friend and a benefit.—And I am informed by Majr. Tatom, since, that my friend Mr. Lewis will be recommended. He is a man of worth.—And perhaps others of my friends, of whom I am not informed may be recommended, and if so I would not wish my name to stand in opposition to theirs."

I have also received another letter from a friend of mine in Mero District, stating that there are several decisions in the courts of law from which the parties upon one side or the other will pray for relief in equity, and that if a judge is not shortly appointed in the place of Mr. Tatom who shall reside in that district, that the parties injured will be compelled to pass the wilderness to Judge Roane, or Judge Campbell to obtain injunctions.

Having stated to you that Mr. Jackson would accept if appointed, I conceive it a duty I owe both to you and to him, to lay before you the before quoted extract from his letter of the 24th ult., and have the honor to be with great respect

Your Excellencies

Obedient Servant

WM. BLOUNT.

His Excellency

Govr. Sevier

Tennessee.

[Box B2, 159.]

Nashville, Aug. 12, 1798.

Dear Sir:

Supposing it would be acceptable to you to know the wish of the people in this district respecting the appointment of Judge to fill the vacancy occasioned by the resignation of Mr. Tatom, I take the liberty of saying that it is their wish so far as I have heard it expressed, and I have conversed with many on the subject, that Andrew Jackson should be appointed. I have spoken with Mr. Jackson touching his acceptance, he answered that if he was honored with the appointment he would certainly accept. Mr. Lewis was sometime ago spoken of, but I am persuaded from authority which I deem good that that appointment would not be pleasing to Mr. Lewis—he would be well pleased with the appointment of Mr. Jackson.

I enquired who would be acceptable to the people in the Senate of the United States in the event that Mr. Jackson should be appointed Judge. I was told that General Smith would be highly so. I then asked if the General would accept. Mr. Jackson told me that he was authorized to say that the General would accept if it was offered to him. My own opinion is that these appointments could not be conferred on more deserving men. I wish your Excellency health and happiness, both in private and public life. With sentiments of respect and esteem, I am

Your obt Servant

WILLIE BLOUNT,

to

Governor Sevier.

DID GREAT BRITAIN OFFER THE AMERICAN COLONIES A REPRESENTATION IN PARLIAMENT?

BY THE LATE PROF. N. CROSS.

Read before the Tennessee Historical Society.

In the Hon. R. B. Rhett's speech, delivered at the Hibernian Hall in the city of Charleston, S. C., June 21, 1850, and contained in the Republican Banner and Nashville Whig for July 27, 1850, the speaker, in commenting on the supposed grievances of South Carolina, finds a parallel to these grievances in the condition of the American Colonies at the commencement of the Revolution, and asserts as an historical fact that "Great Britain offered them (the Colonies) a representation in the British Parliament." The object of this little essay is to inquire whether this assertion is historically true or a historical fiction—an exaggerated accommodation of a little truth to sustain a weak cause.

It is well known that the British Ministry under Rockingham and Lord North, sustained by a large majority in Parliament, maintained the legislative supremacy of the British Parliament over the colonies; while the colonies and a small but very respectable minority in Parliament denied this supremacy and considered the exercise of it as an usurpation, not only justifying but demanding the most determined resistance. As power over the purse has been appropriately termed the instrument of freedom or slavery, the great principle contended for by the colonies, to which all others were subordinate or collateral, was that they could not be taxed without their consent and by their own legislature, which was tersely expressed in the phrase of the day, by "taxation and representation," or "no taxation without representation." The British Ministry, regardless of petitions and remonstrances, passed the stamp act and other acts, imposing duties on articles imported into the colonies, all of which, it is true, were repealed except the duty on tea; but the repeal was accompanied with a declaratory act arrogating the offensive doctrine of legislative supremacy. A haughty ministry

demanding submission; the colonies, an acknowledgment of their inherent and inalienable rights. With a view to extricate the ministry from the embarrassments in which they were placed, Lord North, in 1775, after asserting the principle that every part of the empire is bound to bear its share of the service and burden in the common defense, proposed that if any province would offer any sure means of contributing this share, this offer should be accepted; which of course amounted to nothing more than that Parliament should suspend the right to tax that particular colony. The debates in Parliament on this and other questions relating to America, are contained in the Parliamentary Register, a copy of which in 10 vols. 8vo. extending from November 29, 1774, to June 3, 1778, is in the Library of the Nashville University.* The celebrated Mr. Wilkes, the Lord Mayor of London, stated in Parliament, in justification of the resistance of the Colonies, that when Calais belonged to England it was not taxed till it had two representatives or burgesses in the House of Commons. He had heard of a proposition, but unfortunately not from a minister, which he thought would reconcile all differences, and that was that an American Congress should be convened in the spring, which should appoint deputies to meet with Parliament and determine upon some just principle the quotas that each of the colonies should contribute for the support of the Empire.

Sir Wm. Maque, in the course of a speech which he delivered on the vexed question of the American Colonies, alluded to the fact that it had been suggested somewhere that the colonies should be represented in the British Parliament, and that this would probably give satisfaction and be the means of settling the unhappy differences then existing. This, moreover, Sir William believed the colonies would not accede to, as the Resolution of their Congress (believed to be the first congress held in September, 1774), repudiated the idea, as from local and other considerations it would be inexpedient for the Colonies to be represented in the British Parliament. He thought, therefore, that nothing but a free and unmixed legislature elected by them-

*I have examined the debates with some care, and find only the following facts that have any bearing upon the question under consideration.

selves, and that held their meetings amongst them, would meet their approbation.

I have also examined the continuation of Hume's History of England, embracing the period when such a proposition would have been made to the colonies, if made at all, but have found no allusion to any measure of the kind. In the enumeration moreover of the acts of "pretended legislation," in our Declaration of Independence, to which the King of Great Britain had given his assent, one was "for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases, whatsoever."

It would seem, then, in view of the facts hastily enumerated above, that though the idea of colonial representation in Parliament was spoken of in debate, and opinions uttered in regard to its expediency and in expediency, nothing was ever done or said that could authorize Mr. Rhett to affirm that Great Britain offered the Colonies a representation in the British Parliament. As the body, when it has for a long time been pampered with highly seasoned food, loses all relish for ordinary condiments, so the mind, under the influence of real or imaginary grievances, may become so distempered as to be incapable of all just discrimination, and prepared to view everything through a magnifying or diminishing medium, as the bias of the moment may require. Thus an incidental suggestion or allusion in debate becomes a formal and solemn enactment of the British Parliament, and the supposed rejection of this supposed enactment a Revolutionary precedent to justify a supposed necessity for dissension. Under similar influences, it may be presumed, we have seen that another more distinguished South Carolinian (John C. Calhoun) travestied the history of Tennessee during her transition from the condition of a territory to that of a State, representing her as quietly acquiescing when Congress remanded her back into the territorial condition, though neither Congress remanded nor did she wait for authority to set up for herself—and all to make a precedent for the imitation of our golden and somewhat ambitious young sister, California.

P. S.—I deem it but fair to state that there is a chasm or interval of 33 years between the Parliamentary debates and Parliamentary Register (1741 to 1774), and that some offer of representation in Parliament may have been made to the Colonies.

The stamp act was passed March 22, 1764, and repealed March 18, 1765. In the continuation of Hume it is stated when the colonies in a petition to Parliament claimed exemption from taxation, except by their own legislature, their petition was not even permitted to be read, and not a voice was heard in its behalf. Manchester and other considerable cities in England, it was said, were taxed without being represented. The Charters, moreover, of Pennsylvania, and some of the other colonies, expressly reserved to Parliament the right of taxation. It would seem hardly probable under these circumstances that an offer of representation was ever made by Parliament.

The Resolution of the Congress of 1774, before mentioned, was probably framed because of the debates in Parliament & intended to show that they took higher ground, viz., that they would consent to be taxed only by their own representatives and *on their own soil*.

ORIGIN OF THE NAME HARPETH.

BY THE LATE EDW. D. HICKS.Read before the Tennessee Historical Society.

As to the origin of the name "Harpeth," given to several streams which flow through Williamson and Davidson counties, Tennessee, I first call attention to what purports to be an explanation given in a description of Williamson County on page 996 of "Resources of Tennessee," published by the Bureau of Agriculture, 1874, as follows: "The name of Harpeth originated from two celebrated highwaymen, named from their size Big Harp and Little Harp. They had their headquarters on Big Harpeth, and from thence ravaged the settlements far and near; and the name was synonymous for all that was terrible and murderous. They defied all forces sent against them for many years, but at last were caught, and, as is done even now on the frontiers, had justice summarily dealt them by having their heads cut off."

I find the name spelled Harpath in a "Topographical Description of the Western Territory of North America, by Capt. Gilbert Imlay," the first edition of which, in octavo, appeared in London, 1792; the second in 1795, and the third, with considerable additions, in 1797. This last edition I have before me, and is the earliest book on Tennessee which I have seen. On page 73, and also on a map facing 512, dated London, 1795, from surveys of Genl. Danl. Smith and others, the spelling is Harpath.

In the journal of Francis Bailey, subsequently President of the Royal Astronomical Society, England, who came to Nashville from Natchez by land, I find on page 407 "Sunday July 30, 1797, about an hour after sunset came to Harpath river." Imlay, Genl. Smith and Baily were all accomplished, educated gentlemen and scholars.

The river had been named certainly as early as 1784, as shown by the manuscript diary of Liscomb, in possession of the Tennessee Historical Society, and probably several years earlier. I

have been thus particular in giving the date at which the river was named, in order to show that the Big and Little Harp theory is without foundation. I remember many years ago to have read a novel called "Harpe's Head a legend of Kentucky;" also a sketch of the Harps, I think, in Collins' Kentucky. I have in "Sketches of Frontier Life" the following in regard to them which I abridge: "In the fall of year 1801 or 2 a company consisting of two men and three women arrived in Lincoln County, Kentucky, and encamped about a mile from the present town of Stanford. The appearance of the individuals composing this party was wild and rude in the extreme. The men stated, in reply to the inquiry of the inhabitants, that their names were Harpe, and that they were emigrants from North Carolina. They killed a man named Lankford, in the Rock Castle hills, were captured and jailed, but succeeded in making their escape. They were next heard of in Adair County, going toward the mouth of Green River, having committed several murders on the way. Assuming the guise of Methodist preachers, they obtained lodgings at the house of Mr. Stegall, who was absent, and during the night murdered Mrs. Stegall, her children and a stranger, burned the house, and escaped.

"When Stegall returned, he, Capt. Leeper, and the others pursued Little Harpe, who escaped, but Leeper, after a chase of nine miles, shot Big Harpe through the thigh, the ball penetrating his horse, which fell with him. When Stegall came up he shot Big Harpe through the head; they then cut off his head and stuck it on a pole where the road crosses the creek, and the place was then named, and is called to this day Harpe's Head.

"Little Harpe joined Meason's band, was captured and executed at Washington, Miss."

I have read no history, nor heard any tradition, that they were ever upon Harpeth at the time the river was named (1784 or earlier). Eighteen or twenty years before the appearance of the Harpes in southeastern Kentucky the few settlers on Cumberland were sheltered in forts, and were fully able to protect themselves; for when they left the forts, being always on the lookout for Indians, they were fully armed, and, besides, had nothing of which to be robbed.

It is evident that the streams called Harpeth did not get their name from the bloody Harpes.*

If the explanation given in the "Resources of Tennessee" is not true, what then is the origin of the name? There is a book written nearly two hundred years ago which was much read by gentlemen then, and even in the early part of this century; but which is rarely read, or spoken of now except by Dr. Dryasdust and his coterie.

Among our early settlers were some, if not many, scholarly men; books were not so abundant then as now, but to these gentlemen the classics were as familiar as household words, and the Spectator was an English classic.

No. 584.

Monday, August 23, 1714.

(Addison).

Hic gelidi fontes, hic mollia prata., Lycori.

Hic nemus, hic toto tecum consumerer aevo.—Virgil.

"Come see what pleasures in our plains abound—
The woods, the fountains, and the flowery ground.
Here could I live, and love, and die with only you."

"Hilpa was one of the 150 daughters of Zilpah, of the race of Cohn, by whom some of the learned think is meant Cain. She was exceedingly beautiful, and when she was but a girl of three score and ten years of age received the addresses of several who made love to her. Among these were two brothers, Harpath and Shalum. Harpath being the first born, was master of that fruitful region which lies at the foot of Munt Tirzah, in the southern parts of China. Shalum (which is to say the Planter, in the Chinese language) possessed all the neighboring hills and that great range of mountains which goes under the name of Tirzah. Harpeth was of a haughty, contemptuous spirit; Shalum was of a gentle disposition, beloved both by God and man. It is said that among the ante-diluvian women the daughters of Cohn had their minds wholly set upon riches; for which reason the beautiful Hilpa preferred Harpath to Shalum, because of his numerous flocks and herds that covered all of the low country which runs

*For some other statements about the Harpes, see "Old Times in Tennessee," by Judge Jo. C. Guild.—ED.

along the foot of Mount Tirzah, and is watered by several fountains and streams breaking out of the sides of that mountain. Harpath made so quick a dispatch of his courtship that he married Hilpa in the hundredth year of her age, and, being of an insolent temper, laughed to scorn his brother Shalum for having pretended to the beautiful Hilpa, when he was master of nothing but a long chain of rocks and mountains. This so much provoked Shalum that he is said to have cursed his brother in the bitterness of his heart, and to have prayed that one of his mountains might fall on his head if ever he came within the shadow of it. From this time forward Harpath would never venture from out the vallies, but came to an untimely end in the 250th year of his age, being drowned in a river as he attempted to cross it. This river is called to this day from his name, who perished in it, Harpath, and, what is very remarkable, issues out of one of those mountains which Shalum wished might fall upon his brother when he cursed him in the bitterness of his heart."

For the future loves of Shalum and the young widow, Hilpa, who was only 160 years old, and had brought Harpath but 50 children, see Spectator Nos. 584 and 585, as it has no bearing upon my subject.

I do not know that this story is the origin of the name Harpeth, or Harpath, given to our rivers, but it is certainly appropriate, and as I know of no other, I submit it as the most probable and ingenious theory I can suggest.

LETTERS FROM JACKSON, CLAY, AND JOHNSON.

Lexington, 7th April, 1813.

Dear Sir,

I congratulate you upon your safe arrival at home, and hope you found your family well, and your political prospects bright.

Messrs Stanford and Turner are owing me between four and five thousand dollars, which I am very desirous to receive and which the estate of Col. Hart stands in need of. May I ask the favor of you to apply or to cause application to be made to them in my behalf as surviving executor of Col Hart for the debt? I hold their notes (James T. Stanford and A. J. Turner) which I would send enclosed but for the hazard of the mail. Any payment made to you may be considered fully authorized by this letter. Should you receive the debt or any part of it in time for it to be transmitted to me by the first of May (when I purpose setting out for Washington) I will thank you to remit it to me in a post note upon some Eastern or Kentucky Bank; if not you will be pleased to carry it with you to the city.

Yours truly,

H. CLAY.

P. S. Will you favor me with a letter whatever success may attend the application?

The Hon. Felix Grundy,

Nashville

Tenn.

Frankfort, Ky.,

12th May, 1832.

My Dear Friend,—

I am attending here as a witness, and while the lawyers are scolding, I am writing to you.

As it respects myself, I have not been idle, in my visits to my district, nor have I been sparing in my stump oratory to my constituents. Altho I have no opposition, nor do I know

that I shall have any, but I am at all times prepared— not doubting the good intention of the enemy if they should think I could be conquered— I should not have much objection, in these times of contention to retire of my own accord but so far as depends on me I am not willing to be forced into retirement of course. I am up and doing. I feel very great anxiety for your personal and political prosperity & wish to know what prospects you have of a reelection and particularly whether I can be of service to you in any form or manner. I have never recd any answer from the gentleman to whom I wrote in your behalf. What effect did my letter have? Is he in favor of the object of the letter? I did expect an answer from him— I need not make any comment upon the blow up at Washington & you entertained a hope that the correspondence by possibility might be so managed as we could not prevent it, as to prevent what we feared & what has resulted in a total alienation of the Parties concerned & many of their friends— I anticipated as bad as has happened. If Judge White accepts the war department the friends of Genl Jackson in Tennessee, no doubt will very generally wish to gratify him by placing Eaton back in the Senate to his own position. In case of such movements I would advise you as a friend to take a decided stand to gratify Eaton and his friends in this matter. It will endear you to him & press you more closely to the confidence of the old Hero, & his bosom friends. It will elevate you and give you influence & make you more useful to your friends and to your country. On this particular subject what do you think would be the prospect for Eaton's success to the Senate—who would most likely oppose him? would it be good or bad policy for him to run for the Senate? Any thing you write me on this subject will never be communicated to any human being unless of a character to benefit you & made known at a point that would benefit rather than injure & that with your approbation. If Judge White refuses the office I want you to be taken into the Cabinet. Without flattery, I think you better qualified than most men to manage a department.

Direct your letter to

"Choctaw Academy",

Ky.

Honorable

Felix Grundy.

Your friend,

RH. M. JOHNSON.

War Department, 5 Jan. 1813.

Sir,

The causes for embodying and marching to New Orleans the Corps under your command having ceased to exist, you will on receipt of this letter, consider it as dismissed from public service & take measures to have delivered over to Major General Wilkinson all articles of public property, which may have been put into its possession.

You will accept for yourself and the Corps the thanks of the President of the United States.

I have the honor to be sir,
with great respect,
your most obedient servant,
JOHN ARMSTRONG.

Major General Jackson.

I certify the above to be a true copy from the original.

And. Hynes, aid-de-camp.

Canip Jackson,
Headquarters, March 15th.

Sir,

By the New Orleans mail yesterday I received the extraordinary order, of the extraordinary date, of which the enclosed is a copy— It speaks for itself, & rests with the representatives of the State to account to the detachment how it has happened, that we were thus neglected and left to be sacrificed by the incumbent in the war department, if it had been in his power. Is this the way the best patriots of the land is to be treated. Solicited, intreated, and urged by your eloquence, calculated to rouse every patriotic feeling to rally around the standard of their country and marched to an inhospitable clime supposed to be eight hundred miles from home—dismissed—the sick stripped of every comfort & covering & the means of getting back to their country and their friends—without money and without means, the whole detachment given up as a prey to pestilence and famine if they should escape that to make destruction sure, they are ordered to surrender their arms, that they may fall an easy prey to the scalping knife of the ruthless savage, on their return— These questions will be asked of you as their

representatives; of the President and his new incumbent who must have been drunk when he wrote it, or so proud of his appointment as to have lost all feelings of humanity & duty, that he commenced by anticipation on the duties of his office a month before he was really in office. Such treatment as this is well calculated to bring about disgrace which will never gain the object in view,—It is time for the people to recollect that Sempronius in the Roman Senate cried out that he was for war, when he was in the act of betraying his country.— I fear it is the case now that many cry out “I am a Republican” when they are endeavoring to disgust the citizens—trying to disgrace the constitutional bulwark of the nation.—the Militia— This done the path is plain. The militia not being competent to defend the country on a sudden war it is necessary that a standing army in time of peace should be kept up to meet the sudden emergencies of war. This once done (and I have very little doubt of the intentions of some) the liberty of the country is gone forever.—The late incumbent at the close of the revolutionary war has given a good specimen of what he would do, with a soldiery (I mean a mercenary soldiery) under his contrall, but it is time for the people to awake from their slumber and false delusion.—the gauze covering is too thin to hide such flagrant acts—Hull surrenders an army and a whole territory,—a court martial calls his trial postponed to the end of the war, and why and for what reason— Genl Smith makes an attempt on Canady— all the blame is laid on the militia,— a call is made on our State for volunteers, the best material on earth marched against whom? there can be nothing alleged and who was certain to support their own reputations and that of their country and return with credit, but this must not be permitted, they destroy all our plans, they would reinstate the lost reputation of the militia, it is necessary that they be destroyed and they are attempted to be dismissed 800 miles from home without money, stripped by the order of the new incumbent of every necessary furnished by the government & left to perish with hunger and disease,—but I thank my GOD the law under which they were raised gives them their arms until they choose to resign them— And as long as I have funds or credit, I will stick by them. I shall march them to Nashville or bury them with the honors of war—Should I die I know they will bury me—And as soon as I arrive the

necessary enquiries of the intended sacrifice of the whole of this detachment will be made & the public will be able to judge how far certain representatives and men in office are the friends or traitors to the country— The history of all Barbarous Europe cannot furnish a parallel— The bloody . . . does not contain a more damning transaction than the intention of this order. As I expect the representatives in Congress have received directions from the proper department for the payment of this detachment and a fulfillment of the engagements with them under the law of February 6th and July 6th 1812. I shall say nothing on the subject expecting that the paymaster will be prepared to pay us off— This must be done before I discharge the troops—and they have a right to expect you . . . this business before you left Congress.

I am Sir in haste,

Your O. & H. St.,

ANDREW JACKSON.

Private.

Hermitage August 20th, 1832.

My Dear Sir,—

I have had the pleasure to receive your letter of the 13th instant enclosing one from Mr. Horn of Philadelphia, which I now return to you, and thank you for its perusal. The veto, contrary to the hope of Messrs Clay & Co. *works well*, and instead of the Bank putting me down as was calculated on, the veto will put it and its influence down. The Kentucky election has resulted well. Breathett is elected by a majority of about one thousand,— If therefore, this be a test of Clay's strength in Ky. there will be scarcely an effort for him in that State for president, as there will be no ticket for him, exclusively, in any other State— he will decline and resign his seat in the Senate, and we will have peace in the land, for a short season.

Virginia will sustain the nomination made at the Baltimore convention—the friends of Mr. Barbour on my way thither told me they would not vote for him, that it was useless, and might endanger the election of our president by the people. From what I could gather Barbour I fear has injured his popularity much in Virginia by not coming out at once, and saying to his

fellow citizens that his name should not be used to divide the Republican ranks.

I regret to learn that you have been indisposed. The journey was too long to be continued in the stage. Mr. McGavock is right in keeping you until you regain your health—please present me kindly to Mr. McGavock & his amiable family, & to Mrs. Grundy if with you— Say to Mr. McGavock his brother James and family were all in good health when I passed there, I took breakfast with him.

Mr. Bass, Doctor Hogg, and others dined with me yesterday from whom I learned that you would visit Mr. Mason soon, when I hope you will give me a call. I wish to see you. With great respect,

Yr friend,

ANDREW JACKSON.

The Honorable

Felix Grundy.

Private.

Febry 13th 1833.

Night.

Dear Sir.—

I am just informed that there will be another move to lay the judiciary bill on the table until Mr. Clay's tariff bill is discussed. Surely you and all my friends will push that bill thro the Senate— this is due to the country— it is due to me, & to the safety of this union and surely you and others of the committee who reported it will never let it slumber one day until it passes the Senate— lay *all* delicacy on this subject aside and compell every man's name to appear upon the journals that the nullifiers may *all* be distinguished from those who are in support of the laws, & the union.

I am mortified at the committee appointed on my bill—surely it was due to me that at least a majority of the committee should have been supporters of the administration—it is an insult to me, & the Sec. of the Treasury that such a man as Mr. Clayton should be upon it.

I would be happy to see you, but I have confidence that you will push the bill. the whole bill and nothing but the bill— A letter just received from Columbia, So. C. states that the 15th

instant is the day for the assemblage of the volunteers, that the aid of the Gov. has left there, to assemble them, and lay in supplies— therefore it is that I wish you to press the bill.

yrs.

ANDREW JACKSON.

Judge Grundy.

Hermitage Decbr. 16th, 1837.

My Dear Sir,—

The cries of the widow and orphan (and particularly those who have become so by death. bravely fighting the battles of their country,) for relief from want, at all times penetrate my feelings deeply—and particularly those whose bravery I have often witnessed in battle, & who have spent many days of privation, & nights of watchfulness with me in the tented field. This is the case with Captain Ross, who fell in Florida and whose widow has brought to my view her, & her dear children's distressed situation. I enclose you her letter, and ask your aid in obtaining by a special act of Congress relief for her and her dear children. It is a case that Congress has the power, to provide for, and justice requires that it should be done. There never was a more gallant officer in any army than Ross— every officer who has been with him will vouch for this.—Can it be that Congress will not provide for the representatives of those who pour out their blood in defence of their country, whose life was their only support— I trust not— the precedent would be dangerous in case of future war— I trust therefore you will give your aid to a special act for their relief.

A Reverend Gentleman (whose name I have forgotten, from Paris, western district) waited upon me with his plan for establishing a College at Paris, and with a memorial to Congress on the subject of relinquishing the scrip lands to that institution which remain in two or three counties unappropriated. I told him I could not sign any memorial to Congress but that I would write you, at his request, who I was sure would give it support, as I viewed the application reasonable & beneficial to the education of the rising generation. Your support would be grateful to your democratic friends in Tennessee.

The course of Mr. Bell in attending the aristocratic, federal,

& shinplaster meeting in Boston & New York, & his speeches at those meetings, which is a transfer of Tennessee to Mr. Webster & the blue lights, abolitionists and vagrants, is working well here— it has fully opened the eyes of the democracy in Tennessee, and none of his Whigg friends here will guarantee the sale— Mark me— Republican Tennessee will be herself again in less than two years— The resolution to instruct the Senators to vote for a national bank sleeps upon the table— its mover was precipitate & there it will lie, unless some of your friends bring it up. The premature election of Mr. Foster has embarrassed the Whiggs greatly, & if it was open now, the election would, as I am informed, be postponed. Every thing in Tennessee is working for the best, and every day convinces me that Tennessee is becoming herself again & Bell is, and will be prostrate. The moment Webster or Clay is brought out publicly for the presidency then Tennessee takes a noble stand against both— Martin of Jackson, Madison County, I am informed will take a firm stand against both, & in favor of the Divorce Bill.

Give me a particular account of the Conservatives in the Senate— they must feel badly in their present and late attitude. Please inform me why it is that the Senate debates and journal of the convention that was taken by Mr. Madison has not been published— are they kept back for effect— Respectfully your friend,

ANDREW JACKSON.

The Honorable Felix Grundy.

P. S. After using Mrs. Ross letter enclosed, please return it to me. A. J. My health is improving, but my vision is much impaired, so that it is labor for me to write, & I am apt to make mistakes.

A. J.

Private.

Hermitage,

August 23, 1838.

My Dear Sir,—

Col. Walker has just shown me several communications from Genl Smith removing agent for the Cherokees, & others, which he will forward you by the mail that takes this and to which I refer you.

The contract with Ross must be arrested or you may rely upon it, the expense and other evils will shake the popularity of the administration to its center.

What madness and folly to have had anything to do with Ross, when the agent was proceeding well with the removal and on principles of economy that would have saved at least 100 per cent from what the contract with Ross will cost whilst the present appropriation for this object, would have exceeded the expense, whilst the contract with Ross will far exceed it, and compell a resort to congress for a further appropriation. What a fine (excuse ?) for Bell, Wise and Adams. I have only time to add as the mail waits, that the contract with Ross must be arrested, and Genl Smith left to superintend their removal—The time and circumstances under which Genl Scott made this contract shows that he is no economist, or is, sub rosa, in league with Clay, & Co. to bring disgrace on the administration. The evil is done, it behooves Mr. Van Buren to act with energy to throw it off his shoulders.

I enclose a letter to you under cover, unsealed which you may read, seal and deliver it to him, that you may aid him with your views in getting out of this real difficulty.

Your friend in haste,

ANDREW JACKSON.

Felix Grundy, Esq.,

Atty Genl U. States.

P. S. I am so feeble I can scarcely wield my pen, but friendship dictates it, & the subject excites me— Why is it that the scamp Ross is not banished from the notice of the administration.

Confidential.

Hermitage,

February 20th, 1839.

My Dear Sir,—

I had intended long before this to have acknowledged the receipt of your letters. but I have been annoyed by a prosecution set on foot by two of my nephews, against four of my negro boys, George one of the number, for the alleged crime of the murder of Stockley Donaldson's Frank— The death of Frank happened in a drunken riott of from forty to one hundred negroes

all engaged in the riott—four of my boys selected out of this number for prosecution, before one witness was heard, on the oath of Stockley, who was not present at the riott—the result was,— the grand jury acquitted George— the other three acquitted by the traverse jury, & as I am told, there was not one of the jury that were not of the opinion that Stockley Donaldson's man Jack was one who done the deed—I am confident from all the proof that neither of mine charged ever touched him— My attendance during the examination of the witnesses, which I considered my duty, gave me a violent cold, which had nearly brought me to the grave & has laid me up ever since— My cough is moderating a little, & I feel like I might regain my usual debilitated health.

As far as my health would permit and the public journals afforded information, I have kept in view the reckless conduct of the opposition. It is plain that Rives has his secret agents in your camp—you must free yourselves from them, or you will always be annoyed by the false statements of these spies to Wise and Rives for I have viewed these men as equally unprincipled & as mere lackies to the opposition and looking to them for promotion as the wages of their apostasy & baseness. Was I now in the presidency I would remove every conservative in the offices of the Departments.

The Campbells, the Crunks, the Smiths, and every head of a bureau that had joined that party,— for be assured it is, & was, these men who started the Madisonian, and aided Rives & Talmage in their mischief, & for awhile led Richie away. The city postmaster might be profitably changed— If I mistake not, the most of these men have been engaged with Swartwout in the speculations in the Morse's canal stocks & coal mine speculations & united with the New York conservatives to destroy Mr. V. B.

If Daniel Jackson, Thomas Smith Register, & William B. Lewis were brought to the stand on oath, it is believed that they could tell how Mr. Swartwout invested some of his cash. If this conjecture is true, what safety has the government, if its officers know that a collector is engaged in speculation in stock and fail to communicate it to the proper Department—none.

I have no doubt if the truth can be reached, that the Whigg

merchants of New York hold in their hands of the revenue chargeable to Swartwout, from \$600,000 to \$800,000 if not more, and it is suggested that he loaned to our little Whigg printer, Hall of the Banner, some thousands, and as hinted to me, McLemore and Genl. Armstrong were to value the property at or near Nashville for Swartwout on which a mortgage was to be taken, but since Swartwout has been blown up, the land proposition and such papers has not been committed to record & the property has since been seized by execution against Hall and Swartwout will lose this debt as Hall is (as it is believed & said) a bankrupt. Swartwout ought to be brought back & kept in a dungeon until he makes known the whole truth and all his intimate conservative associates ought to be interrogated on oath. Daniel Jackson I would suppose knows all about his transactions.

The military as well as the civil ought to be purged— Gains ought to be stricken from the roll of the army for the requisitions made upon the governors of Tennessee and Kentucky— it was intended for political effect, and he is constantly, as I am informed, villifying the administration of the government, and poisoning the minds of the people against it. He has some influence in Louisiana yet, & with the inveterate Whiggs in Alabama. If he remains in the army and we should have an Indian war in the West, he will disgrace the government as sure as he commands— and let me tell you that Genl Scott is very little better— neither will do to command against Indians. In the event that Genl Gaines office should become vacant, as some say he is about to resign, which I do not believe, I have named Genl R. Armstrong to fill it—in the event of an Indian war it could not be better filled than by Armstrong—and let me assure you that at the low ebb of patriotism in this district at present, Armstrong is a host, and without him the Republican party would dwindle into nothing; but he struggles & keeps it alive, & I hope that the former spirit that gave life to the whole Republican party throughout the State will again be aroused in Davidson and Wilson. If it does, it will be owing to his exertions and a few others. Armstrong is poor and such a command on our western border would be advantageous to the frontier and to his large family. In conclusion mark that the rebuke of Duncan in his excellent speech to me and Mr. V. B. is just—and the corrupt men who hold office & are trying in secret to destroy the admin-

istration, both civil and military, ought to be swept from the register or the government will always find itself in trouble by officers whose endeavors are to destroy the administration; and the postoffices throughout the land ought also to be purged. The administration has been unjustly assailed, and it ought now to take its stand and permit no one to eat its bread who would not faithfully aid the administration in administering the government agreeable to the constitution & the laws; when this is done, and not until it is, can the administration get on in peace and harmony in the due execution of the laws, and it is due to the administration & the people that this should be done. The people expect this, & now, and will never be satisfied until their wishes are fulfilled.

Our new editor commences well, and if we can get Burton out for Congress this District will be perfectly regenerated. Carroll after three months deliberation declined; and if Burton will not run for Congress, then this district in which I live, and have long lived, is to go by default to Bell. I hope for the better, but I am truly mortified.

I write you this in confidence, and hope you will use its contents in your consultations with Mr. VanBuren to whom present me & my family kindly & say to him I am awaiting a line from him giving me a view of when we will see him in the west & his route.

My little family join me in kind solicitations to you & yours and believe me your friend,

ANDREW JACKSON.

Felix Grundy, Esq.,

Atty Genl for the United States.

P. S.—I shall expect to hear from you on receipt of this. I hope to hear that the Augean stables will be swept. The Virginia elections over the good work ought to be begun. Please with our good wishes to say to Mr. Woodberry the Whiggs cannot tarnish his fame. the people will sustain him. My kind regards and that of my household to all the heads of the Departments & theirs.

A. J.

Private.

Hermitage, May 17th, 1839.

My Dear Sir,—

Your letter of the 14th last April has been recd. I rejoice at

the result of the recent charter election in the City of New York. This is a movement of the people alone, and is a convincing proof that when the people reflect they will always decide in favor of the pure Republican principles. New York will give at next election a triumphant Republican vote. *Mark this—*

From the signs of the times here everything denotes a change in public sentiment throughout the State. Polk will be elected, as I believe, by a triumphant majority, and if the best informed in this congressional district are not deceived, Burton will beat Bell. If Burton had come out six weeks sooner he would have carried the district without opposition. Bell would not have been a candidate. It was the influence of Genl Armstrong with my own with Mrs. Burton that at last brought him out. Armstrong has done his duty faithfully, and rest assured deserves the attention of the Republican party & the executive. He has done more in East Tennessee than any other man, by convincing his old friends who were under Judge White's influence of his apostacy & want of principle. The government could aid him by giving his son Josiah, a very fine, sober, and industrious youth, the settlers place in Arkansas & continuing Harris, the general's son-in-law in the place selected for them. I am assured that everything will be done for them that can be with propriety, by the Secretary of War & the President. Let me assure you that taking into view Genl Armstrong's large family & limited means no one has done more for the good cause than Genl Armstrong—and I pray you to join your influence to obtain for Josiah & Harris the situation selected. it will be the means of aiding the Genl & enable him to remain with us—otherwise he will have to move west & seek a new country for his large family where his expenses will be less.

Present me to the President and his family to Mr. Blair & his—say to them I rejoice in their good spirits, and will write them tomorrow—say to them the people will support the administration by its continuing steadfast in its course—the people has demanded and will have a separation of the government from *all Banks*.

My household joins me in kind regards to your lady & family.
Yr friend,

ANDREW JACKSON.

Felix Grundy, Esq.,

Atty Genl for the United States.

LETTER FROM MAJ.-GENL. EDMUND P. GAINES

[The following communication is in the archives of the Tennessee Historical Society without any note to show whence it came to the society. While not in Gen. Gaines' hand, it bears his autograph signature. Evidently intended for publication, it is not known if it has been published before, or if any copy reached the adjutant-general. —ED.]

To Brig.-Genl. R. Jones, Adj.-Genl. U. S. Army, Washington.

Headquarters Western Department,

Camp Sabine, July 4, 1836.

Sir:

I received on the 25th at Pensacola on my way to this place your letter of the 10th of March.

I have delayed replying until now from a firm conviction that my letters of the 15th and 25th of January and 6th of February to you with those of the 2nd 22nd 28th and 29th of February and 2nd of March to General Clinch with my orders and special orders of the 18th of January to the 9th of March 1836 inclusively reported to you by my acting Assistant Adj.-Genl for the information of the proper authorities would fully exculpate me from the imputation of Genl. Scott that I had "interfered with his command" or "disturbed his plan of operations," &c; more especially as the complainant's accusations were not deemed to be of sufficient importance for me to be furnished with a copy. But having recently seen the attacks made on me, through the newspaper called the Globe, and some other papers of equal respectability and of all political parties since the 1st of April last, purporting to be from the pen of that officer or from his dictation or sanction aided by the Quarter Master General a franking bureau officer of the War Department—these insidious publications assure me that I am again wantonly assailed. These combined attacks suggest to me the propriety of making for the information of the proper authorities, the remarks and explanations which follow and which

I deem necessary and proper in vindication of my conduct, my movements and connection with the war in East Florida between the 15th of January and 9th of March last inclusive—a task which I was more than willing to abstain from or leave to others as I could not consistently with my own self-respect and justice to my Command repel the calumnious accusations without calling in question the opinions of high public functionaries whose judgment and patriotism I had long sincerely respected; nor indeed without seeming disposed to join in an acrimonious controversy which nothing short of an order from the President or the absolute necessity of self-defense could prompt me to do.

The order No 7 of the 20th of January of the present year requiring Genl. Scott to repair to the left wing of my department was never seen by me until my arrival at Fort King the 22nd of February. I state this fact simply because it is a fact hitherto I apprehend, unknown at your office—but it is a fact to which I attach little or no importance. Had I received this order at Pensacola I should have viewed it as a measure of the Secretary of War taken without a full knowledge of the progress of the war upon that frontier and of the circumstances which had rendered my movement to Florida proper and that therefore my movement thither ought to continue until I should feel assured that the President was apprized of all the material facts bearing upon the subject; and more especially until the officer authorized to enter upon that part of my Command assigned to him and which formed the principal theater of the War, should make his appearance in person upon that theater of the War; unless indeed my attention had been called to other and apparently more important military operations also in war than those which called me to East Florida.

This view of the subject is based upon an essential principle of military law, derived from the laws of nature and incorporated in our institutions—a principle sustained by the ablest writers of all enlightened nations to whose works I have had access—a principle without the strict observance of which no nation whose geographical limits exceed twenty miles square could be successfully defended—a principle deeply interwoven with the highest attributes of sovereignty and of self-government namely, self-defense and self-preservation as a nation or a State; or in

other words Protection, immediate and instantaneous, to the exposed feeble members of the community from savage war.

Let us look at a few of the principal features of the case in question and see the probable effect of contrary conduct on my part.

In command of the Western Department I had learned at New Orleans of a great and unlooked-for disaster occurring in my department far removed from the seat of government from whence alone could I hope to receive new orders or special instructions more applicable to the case than the orders of the President embraced in my commission to serve the United States diligently as a General officer with the orders he had given me to command the Western Department. An important white settlement in my Department was reported overrun, sacked and burnt; a United States Agent of Indian affairs, eight officers and ninety eight soldiers with many citizens killed and their property stolen or destroyed, and I was aware that many neighboring military posts, Forts Brooke, King, Drane and Key West all in my department were without defense other than what an efficient force of 500 men could take in a few hours—the garrisons of two, Ft. King and Key West being insufficient. I knew that there were about 600 regular troops in Florida and these separated by a wilderness supposed to be occupied by the enemy comprehending near 20,000 square miles extending near 250 miles from North to South, and 120 to 40 miles from East to West.

The destruction of the brave but unfortunate Major Dade with his heroic officers and men affords an impressive lesson upon this subject which no prudent soldier should ever lose sight of. Under these circumstances what was the duty of the Commander? This question can be most readily answered by another. What had I promised upon oath to do? "To bear true faith and allegiance to the United States, to serve them honestly and faithfully against their enemies and to obey the orders of the President and the officers appointed over me according to the Rules and Articles of War."

I had with me my sword and commission with orders to "command" this Department. It is well known that for me to command a military department is in a plain military sense so

to order and employ the men and means confided to my direction as to protect the people of the United States in that department against their enemies and if it be in time of war, to continue so to command until duly relieved by the new commander in his own proper person and on the theater of the war. Failing to comply with this injunction I well knew I might have suffered the enemy to kill numbers of citizens and troops in addition to those already slain, burn their houses and take their property.

It was my duty therefore without waiting for new orders to collect any disposable force within my department sufficient to strike the enemy, subdue them or check their devastations until the President should have notice of them and of my efforts to arrest them and then give such new orders as he might see fit.

But it is contended principally by those who have proved themselves better qualified for the quiet vocation of a writing desk than the turbulent scenes of an Indian war that I should have abandoned the expedition at Pensacola because I received on arriving there your letter notifying me not that Genl. Scott had actually arrived at the theater of war in Florida but that he had been ordered thither by the Secretary of War!

Little reflection is necessary to see the fallacy of this closet-view of the subject. I had embarked pursuant to my letter of Feby 2nd to Genl. Clinch or the officer commanding in the north east border of Florida with a view to co-operate with that officer. I had given a pledge to the principal force with me the Louisiana Volunteers, that I would not require them to go farther than I would myself go and that I would stand by them as long as they would stand by me in bringing the war to a close. I had thus promised with a force of 700 men so to co-operate; this force had been increased before embarkation to near 1100 men.

With this very respectable force embarked and in its movement for Tampa Bay within two days reach by steam of that place I received at Pensacola the notification from you that Genl. Scott had been ordered by the Secty of War to that part of my command to which I was under the above mentioned circumstances destined. But what assurance could I have that he was there? Did you notify me that he was at the post assigned him? or that such arrangements had been made as afforded reasonable hope that Genl. Scott would be prepared soon to breast the

storm of savage desolation and protect from the scalping knife and firebrand the helpless citizens of both sexes and of all ages in that region who had looked to me as their protector? Did you tell me that Ocoola and his chiefs had given the President assurance that they would suspend their massacres and conflagrations until Genl. Scott should complete his plan of operations and be quite ready to subdue them?

No such thing is found in your letter. Nor had I any reason from the previous Northern or Western wilderness movements of that officer to anticipate anything like a prompt movement on his part into the wilds of Florida, longer than he should find himself and his forces and supplies propelled by steam power.

The now well ascertained fact that Genl. Scott confined his personal operations to the little interior and unmenaced towns called Picolata, Volusia, Black Creek and Fort Drane and the intervening country within the white settlements, occasionally on the little steam boat the *Essayons*, for near six weeks viz: from about the middle of February until the 25th of March last without any attempt on his part to search for the enemy proves clearly—not that I should have abandoned my expedition at Pensacola at Tampa Bay at Ft. King or at the Withlacooche without subduing the enemy—but that I should if possible have redoubled my efforts to accomplish this all important purpose sooner than I did; and in place of leaving them under a pledge that hostilities on our part should cease if as they proposed they would peaceably await the arrival of Genl. Scott and would attend to the terms he should be authorized by the President to offer them (a pledge which appears to have been wholly disregarded by that officer).

I had taken them to Tampa Bay, completed with them a treaty in accordance with my own understanding of what was due to them and the United States—a measure which I am convinced I could have accomplished had I not indulged in the fruitless expectation that Genl. Scott would arrive soon after hearing I had found the enemy and employ himself in the performance of the diplomatic and other duties assigned to him by the Secty of War—I have no doubt that I should by such a movement have relieved the Florida frontier forever from all further disturbance on the part of these Indians and should have placed them in a position calculated, in time, to change their in-

veterate hostility, desperation and distress, into peace and comfort if not to a sense of respect and gratitude to our Government and country, for the humanity, care, and kindness extended to them, on their having sued for peace. I am well assured that every officer, and every intelligent soldier of the Louisiana Volunteers and United States troops, then with me upon the Withlacooche, will concur in the opinion just now expressed.

From the foregoing views it may possibly be inferred that I may have been disposed to attach blame to General Scott for his readiness again and again to solicit or accept a command which he might imagine was calculated to awaken in my mind sentiments of personal ill-will toward *him*, such as he had some years past labored through many acrimonious pages, to produce; but which *time*, with that sort of reflection which naturally results from a *rational use of time*, had so mitigated as to induce me, on receipt of your letter notifying me that he was ordered into my department, so far from feeling *dissatisfied with him*, to resolve upon availing myself of the occasion to co-operate with him [though junior to me] in a manner which I felt convinced, if he did his duty correctly, would be the means of enabling us at the proper theatre of action to settle our disputes forever, *by our joint efforts in battle, to show which of us could do the enemy the most harm and our country the most good*; and thus, in the best possible way of terminating personal enmities, restore between us that harmony which a proper sense of public duty should prompt every high-minded public functionary to extend to each other, so that the public service should suffer no detriment from their intemperate controversies. I knew General Scott too well to imagine he had ever solicited such a command, in the swamps of a wilderness, and against an enemy such as he had long held in contempt; and I had long since ceased to cherish towards that officer any feeling of hostility.

I had triumphed in the controversy forced upon me. I was gratified at my triumph not so much that Genl. Scott was vanquished as that the law of the land was maintained and preserved inviolate by the part I had taken in the controversy.

I shall again triumph--not that I have any claim to that peculiar talent of which some of my reckless enemies may boast--

the talent of making the worse appear the better cause but that I have the law of the land to sustain me.

It is my present purpose to show that the facts of the case were such as to prove that I was constantly within the pale of military law; I cannot therefore but prove myself to have been in the right and that all who are opposed to me are in the wrong.

It will be seen by referring to my letter of Feby 22 that I expressed my purpose cordially to co-operate with Gen. Clinch or the officer commanding in the N. E. border of East Florida or at Ft. Drane.

I also expressed my hope that our joint efforts might tend speedily to terminate the war. This sentiment had been often expressed to my staff and field officers.

It is true that my letters were all addressed to Gen. Clinch or the officer commanding at Ft. Drane; and properly, as they were intended obviously for the information & government of any officer in command there of the force assembling there for the defense of that part of the frontier. Soon after my letter of Feby 22 I had seen at Ft. King a letter from Genl. Scott expressing a desire to know where the principal force of the enemy could be found; that letter was addressed to Genl. Clinch and dated at Picolata about Feby 17th or 18th. Not doubting the sincerity of Genl. Scott's wish I was truly gratified to be able to say that I would search for their principal force and would report accordingly.

My superior knowledge of the country and the enemy justified the hope and expectation that I should soon be able to relieve Genl. Scott's supposed anxiety upon this point; for my movement by the Alafia and the battle ground of the lamented Dade where there was most reason to believe the enemy would make their stand (that being deemed the place of their greatest good luck as the interpreters termed it), having proven that their principal force was not in that quarter I could not doubt that I would find them lower down on the Withlacoochee; and I therefore determined to continue my search in that direction—that being in the direction of Ft. Brooke, the only certain point where I could replenish my supply of subsistence and ammunition—the great supply which should have been at Ft. King having been withheld from that place—whether intentionally to embarrass my operations or from ignorance of the country with

its wasted resources; or ignorance of their duty on the part of Genl. Scott and his Quartermaster General I am yet to learn. It is sufficient for me to affirm that large supplies ought and might have been at Ft. King and Ft. Drane before Feby 22nd and that I was unable to obtain more than eight days rations with scarce an hour's supply of ammunition. Nor could I leave these posts on a slender allowance; that could not have been justified but by the expectation of other supplies being on the road to them, and that my movement would divert from them the attention of the enemy. My plan was under all the circumstances necessary and proper, and it was also proper for me to address my letters intended for Genl. Scott who I was aware was not in my Department to General Clinch known to be on duty there, or the officer in command at Ft. Drane where Genl. Scott was shortly expected, where, indeed, he ought to have been before the middle of February. Gen. Clinch who perfectly understood his duty immediately forwarding my letters or copies to Genl. Scott at Picolata, who in place of a prompt response meeting in the spirit in which it was offered my proposition to co-operate with him in bringing the war to a speedy termination—indulged in unwarranted animadversions—imputing to me the worst of motives and wasting in unavailing murmurs that precious moment for action by co-operation with me or if he preferred by taking the field and relieving me; he appears rather to have occupied himself by writing accusations against me and trying to convince the President that I had been guilty of some criminal interference with his (Genl. Scott's) authority as stated in your letter of the 10th of March and more fully stated in the publications dated Picolata, Black Creek & Ft. Drane and more recently from other places purporting to be from Genl. Scott & other officers of the army all referring to the plan of operations and opinions of Genl. Scott, but so artfully mixed up with plausible fiction and reckless calumny slightly tempered with a few grains of truth; so as to render it impossible to discriminate between the official, the semi official and mere hireling slanders contained in this mass of matter. I would not willingly in an official communication to your office to be submitted to the President take any notice of anything contained in those publications that is not strictly official. If I err in my attempt to discriminate in this particular I will thank you to

enable me to rectify myself by favoring me with all the official statements referring to my conduct in relation to the war in Florida as I may deem it to be essential to my vindication to show to all who may have entertained a doubt, as I trust I have already shown to the satisfaction of every man of military mind, who had heard me, or seen my vindication, upon the following points:

1. That the proper time and place for me to have suspended my movements, and for General Scott to have entered upon the command assigned to him in my department, was when he should appear in person near me, at the known theatre of the war, and nowhere else, while the war continued.

2. That, until he thus made his personal appearance near me, at the theatre of the war, he had no right whatever to assume the control of a soldier, a public horse, or a public ration, within the limits of my department.

3. That it was my bounden duty to retain the control of every soldier, every horse, every ration, and every other species of public property necessary to the success of my operations against the enemy, connected with the command of the Western Department; and, above all, to retain and exercise the command, honestly and faithfully on the part of the United States "against their enemies or opposers, whomsoever;" and (in the language of the 62nd article of war) give "orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case," and the President has never specially directed it to be otherwise. The Adjutant General's notification of orders given through him by the Secretary of War was insufficient. This was, to say the least, a loose way of carrying into effect a solemn provision of law, embracing a subject of great delicacy and importance to the service. (See the 62nd article of war.) When the law expressly forbids a change of command, as in this article of war, without the special direction of the President, it is obvious that the spirit of the law cannot be fulfilled without the direction is given by the President, or in his name, by a person known to be authorized to communicate the orders or directions of the President. The Adjutant General wrote by order of the Secretary of War. Nevertheless, if the President himself had given the order that General Scott should enter upon

the duties of the command against the Indians in the Western Department, whilst I was in the field, I contend that neither myself nor any other officer engaged as I was in the immediate protection of the frontier, in the pursuit of the enemy, or in action, holding the enemy in check, could, with any propriety, or without a crime abandon the command merely on receipt of the order, and before the arrival at the place of pursuit, or of action, of the new commander, unless specially directed by the President so to abandon the command. A direction such as I venture to affirm has never been given in any civilized nation, whose military history is known in this country. The theatre of the war was the place, the only proper place, for General Scott to enter upon and for me to abandon the command assigned to him, at any time before the enemy was subdued; but that officer did not choose to make his personal appearance at the Withlacoochee, though cordially and repeatedly invited by me, and challenged by the reiterated reports of my cannon and by the war whoop and rifle of the Indians, (as announced to him by General Clinch) to partake of the professional banquet which was regularly spread before me every day, from the 27th of February to the 5th of March inclusively. I did not choose to urge or entreat him to come, because I have never desired to see an officer or soldier near me in action who did not come cheerfully and promptly, or who has been habitually vexing himself in fastidious scruples about his rank; and because I had reason to apprehend, from the tardiness of his movement, that a disease which General Scott contracted towards me, in August, 1814, had not been completely cured. It was probably, that sickness of the spleen, which the best of Doctors say "finds ease only in the misery of others;" a sickness which a rapid march to the Withlacoochee, with the animating scenes, the martial music, pure air, and simple food of that region of the wilderness has never to my knowledge failed to improve the health of troops afflicted with disease of any kind, including cholera. That General Scott was retarded in his movement to the Withlacoochee by some secret griefs, I could not doubt. What they were I know not. They will doubtless be disclosed in due time. He appears to have been content, for a time, with the notion that I had most improperly and prematurely interfered with his command, and disturbed his plan of operation before it had been brought to matu-

rity—that it was my duty to consider him as entitled to the command, and the entire control of my troops and supplies, before he arrived in person within the limits of my department:—that my subduing the Indians ought to pass for nothing, because he was especially authorized to subdue them! Childish conclusions, these—too trifling to merit any notice—nor should I have noticed them but for the call made on me to explain and vindicate my conduct; and from the hope that my vindication may be read by the well-meaning officers and men of the Volunteers, and the army, who doubt, if indeed any doubt the propriety of my conduct, who, I am convinced, will readily yield their hasty opinions to the conviction which mature reflection on the subject cannot but produce. They will agree with me that my path of public duty was plain—too plain to be mistaken by any honest soldier or citizen not blinded by the spirit of party, or some other diabolic prejudice or passion; it was, without waiting for mere orders, to fly as rapidly as possible, with whatever disposable force and supplies might appear to me necessary and proper to enable me to arrest the progress of the apparent growing evil of the late disasters, strengthen the feeble military posts, and, if possible, put an end to the war by a vigorous co-operation with my forces found in that quarter, or otherwise, according to my own plan of operations, contained in my letters of the 2nd, 22nd, 28th. and 29th of February, above referred to. The sum and substance of my design was to afford prompt and complete protection, that sort of protection which is guaranteed by the constitution of the United States to the people of the United States—including the pioneer, the widow, the orphan, inhabitants of the frontier camp or cabin, as well as the polished and wealthy citizen of the great emporium of party politics, of commerce, and fashion, that complete protection, the work of which should, if possible, commence before the work of destruction upon the frontier is finished, or even begun—protection to the living citizen rather than to the ashes of the slain. My plan of operations was expressed as concisely as I could express it, in my letter of the 22nd of February—it was “to search for the enemy until I should find them, and then beat them, as otherwise they would beat me.”

4. In carrying into effect this plan of operations, I could suffer no officer to interfere with my troops, military posts, or supplies

of any kind, within the limits of my department, until he should appear in person within those limits duly authorized, and apparently ready and willing to meet the enemy and protect the people of the United States within my department "against their enemies or opposers, whomsoever;" or until I had met and beaten the enemy, and compelled them to sue for peace.

5. I did meet the enemy, and did several times beat them, and finally compelled them to sue for peace. How this was accomplished I need not now undertake to describe. Grave doubts have been expressed in some of the publications to which I have referred, as to the sincerity of the Indian chiefs in suing for peace, upon which is supposed to rest the fact of their having been subdued. I am willing to leave the issue of these questions to the testimony of officers, and the intelligent volunteer and regular soldiers who served with me, pledging my honor to abide by their concurrent testimony. But I am not willing to be tried and condemned without a hearing, and by persons who were not only not near me, but who have given me good reason to believe they would have been better pleased at my downfall than at the triumph attained by me over the enemy—persons who knew full well that the final decree at which every enlightened citizen and soldier who investigates the subject must sooner or later arrive, establishing the correctness of my conduct, must virtually fix the seal of condemnation upon theirs. Hence it was that many hours and days of precious time, which should have been devoted to active operations against the Indians, were sacrificed at Picolata and Fort Drane, and other places, to the fabrication of slanderous essays, to forestall and mislead public opinion—to condemn my movements, and cover me with the vilest detraction. The editors of newspapers, hitherto professing friendliness towards me, have been employed as the leading vehicles of this atrocious scheme of slander. Why is this so? I answer, that it is because I disdain to be the man of a political party! I owe allegiance to the United States of America and not to a party.

It may be that I did not require my officers and men at the Withlacoochee to take from the enemy as many lives as they had, by their savage conduct, forfeited—but where was the bond, or the principle of the laws of war or of nations binding them to give or me to take the life of any one of them after they had

raised the white flag and sued for peace? Their first proposition was made on the evening of the 5th of March. They were then told that if their chiefs would come in the next day they would be heard. They accordingly came in with a white flag on the morning of the 6th when they said in the most subdued manner, "we do not wish to fight any more; we have lost many of our warriors killed, and others disabled by wounds—we do not wish to lose any more in this way or otherwise than by sickness or the falling of trees and we desire to make peace."

They were told in reply that I was not authorized by the President to treat with them but that I had heard that an officer was on his way and would soon be there with authority to treat with them; that if they wished for peace they must lay down their arms or cease to make any further use of them and stay beyond the Withlacoochee until the officer authorized to treat with them should arrive and that they must then go wherever he should require them; but that if they should commit any more hostilities our troops, of which we had many, would kill all of them found with arms in their hands.

They then counselled among themselves and their warriors until 4 or 5 o'clock in the afternoon.

The chiefs then returned and freely assented to my answer to their propositions—the last sentence of which my acting inspector general was for the second time explaining to them, when Genl. Clinch arrived in sight with the troops, of his immediate command from Ft. Drane, some of whom fired in the direction of the Indians, but at too great distance to hurt them. They then hastily retreated to the adjoining hammock; they manifested no disposition to violate their engagement nor do I believe there was an officer or soldier with me who had witnessed their conduct who entertained a doubt but that they were subdued and perfectly sincere in the desire they expressed to abstain from further hostilities and meet Genl. Scott in council whenever and wherever he might direct. I remained in command, in order to satisfy myself of their sincerity, until the 9th of March, during which time some hundreds of my men were allowed to amuse themselves fishing, for a mile or two up and down the river, without discovering any indications of further hostility on the part of the Indians, some of whom were seen on the opposite side of the river.

I, on the 9th of March, turned over the command of the troops then with me to General Clinch, as will be seen by my orders of that date, with a view to repair to their frontier. It is proper here to remark that, in order to obtain accurate information as to the positions of the chiefs and warriors, and whether their pacific views remained unchanged, after being fired on by the volunteers with General Clinch, I approved the suggestion of General Clinch to send a black interpreter across the river to their camp. He set out on the 8th and returned on the evening of the 10th of March. He reported that the chiefs and warriors had gone up the Withlacoochee, near thirty miles above Camp Izard, to where their families were stationed; and that the Chiefs told him that they were waiting agreeably to my direction; and that they would be ready in five days to hold a council with the officer expected on for that purpose. General Scott was that officer;—who, in place of meeting them in council, and directing them what to do to enable them to obtain peace, and conform to the wishes of the President of the United States—General Scott openly avowed (as I have been informed, and his official letters imply), a determination to pay no regard to my arrangements with the Indians, but to obtain an overwhelming force, and then annihilate them. His blustering threats, to this effect, were probably known to every person, white and black, in and about the house of General Clinch at Fort Drane; and, as some of the black domestics were in the habits of intimacy with the black interpreters, it was more than probable that in this way the threats of the gallant General reached the ears of the Seminole Chiefs. Nothing, therefore, could be more natural than that they should prepare for self-defense, and self-preservation against a commander who had recklessly disregarded the pledge made to them by me his immediate predecessor in command and his senior, a pledge which could not be disregarded without a gross violation of the laws of nature and of war, which no nation can tolerate, without a positive disregard of the most sacred of obligations of good faith towards her neighbors. The sequel has proved the fallacy of such threats and the truth of the proverb that “the battle is not always to the strong nor the race to the swift.”

6. It may be that I did not expose my officers and soldiers volunteers and regulars to as much risk and loss as

some of my accusers deem necessary to give *cclat* to a triumph. Heaven preserve me I pray from that *cclat* which is won by the useless or wanton sacrifice of those placed under my command.

If my accusers have reason to believe from the testimony of those who ventured to accompany and co-operate with me in battle that I neglected any important duty to save my own life or the life of any of my officers or men it would be strictly correct in them to establish if possible such a charge.

But, upon this point, as upon all the imputations of General Scott and his franking and writing friends, I hold towards them the attitude of honest defiance. Had the constitution or any other law of the land required it, or had I ordered it, I have not a doubt that every officer and soldier with me at the Withlacoochee would cheerfully have agreed, "if the enemy would stand," to desire them to take the first shot; and would, moreover, have declined the comfort and security of sleeping or fighting behind a breastwork, had not this method of occasional action and rest been consecrated by the example of our own beloved Washington, and all great and good men who have signalized themselves in the defence of our country. I think it more than probable that my brave little army would have subdued the enemy a few days sooner than we did had I directed them to make a few rapid sorties; but I had promised General Clinch to make no sorties until I should hear from him, from an apprehension that a sortie would have dispersed and driven off the Indians before the arrival of mounted force—the only description of force with which a sortie could have been made with full effect; at the place which I occupied with the aid of the anticipated mounted force, I had calculated on taking or destroying most of the Indians, and terminating the war in the course of a few days. They were, however subdued, and sued for peace near twenty hours before I heard from General Clinch. (See my letter to that officer under date of the 29th of February, in which I promised to abstain from making a sortie until I should hear from him.) On the subject of a sortie, however, I was convinced that I would not have succeeded in rendering it effective without the loss of from 50 to 100 of my officers and soldiers; and I have no hesitation in saying that I would not have had twenty of my excellent Louisiana volunteers or regulars recklessly sacrificed, whilst momentarily expecting the arrival of mounted force, to have laid at my feet

in chains all the Indians in Florida! The troops were, for several days, held in readiness for a sortie, and it would have been made on hearing from General Clinch, or in co-operation with his command, had not the Indians sued for peace before he was heard from.

7. During the numerous calumnies, official and unofficial, I have seen none more absurd than that I was actuated in my movement to Florida by no higher motive than that of a desire to obtain "laurels," to which General Scott had superior claims. I feel convinced that those who know me best, will testify, that I have ever been incapable, even while a young subaltern, of that overweening vanity and officiousness which sometimes prompt the weak or the vicious to attempt to rob their brother soldiers of what may be justly their due Laurels, indeed; the idea of obtaining laurels in an Indian war, I have long deemed to be as a vision, never to be realized by any known system of operations embraced in the art of war in its supposed improved state, nor otherwise than by watching the movements of the enemy, and profiting by his example of vigilance, rapidity of movement, and privation of food and rest. No man acquainted with the sufferings of the frontier people of Florida, possessed of a spark of patriotism or humanity, could, for a moment, be ignorant of the great and only inducement which ought or could have prompted me to make the movement in question. It was obvious to me that protection must be afforded, and quickly afforded to the bleeding frontiers of that neglected Territory, or that her late flourishing settlements would be destroyed, and that delightful region of our national frontier rendered a scene of devastation, disgraceful to the military character of our country, and doubly disgraceful to the officer intrusted with its defence.

I have shown, as I doubt not, to the satisfaction of every man of military mind who will take the trouble to read this letter, that it was my bounden duty, under the circumstances of the case, to collect together the forces embarked at New Orleans on the night of the 3rd and the morning of the 4th of February, and, with them, to repair promptly, as I did, to East Florida, and there to employ my best efforts in subduing or holding in check the enemy until the arrival of General Scott at the theatre of the war. This being admitted, my right to the entire control of the subsistence and horses, and other means of transportation

found within the limits of my department, or such as was on their passage thither, is established beyond a shadow of a doubt. Upon what ground, then, could General Scott assert that I interfered with and retarded his operations by taking rations and horses belonging to his command? I affirm that his excuse is baseless, and his assertion untrue. I affirm, moreover, that if the horses and rations which he falsely accused me of having wrongfully taken, had been forcibly seized by me from one of the posts within the Eastern Department, and to which I could have no claim, the number of rations and number of horses in question was too small to delay the movement of General Scott's grand army for more than three days' time. The whole number of rations taken by me from the day of my arrival at Fort King, the 22 of February, to the day I turned over the command to General Clinch, the 9th of March, 1836, inclusively, amounted to less than twelve thousand complete rations, and the number of horses, I am assured, was not more than eight or ten, taken from Forts King and Drane, (posts of my department) and less than this number of miserable ponies from Fort Brooke, not one of which had been placed at either of those posts by General Scott, as I have been informed and believe.

This assertion, therefore, that his operations were greatly embarrassed or retarded by my having taken the rations and horses provided for his command, is not only not true, but is marked with a reckless malignity, disgraceful to an officer, and dishonorable to a man—not to say a gentleman.

All of which is submitted for the information of the President of the United States.

With profound respect,

(Signed) EDMUND P. GAINES,
Major General, Commanding.

To

Brigadier General R. Jones,

Adjutant General U S Army

Washington City.

CORRESPONDENCE OF GEN. JAMES ROBERTSON.

(316)

Whereas the general government of the United States have at all times manifested an humane disposition in attempting to civilize the Indian Tribes, and have taken unwearied pains to induce them to become Agriculturists, instead of Huntsmen,

We, the undersigned, beg leave to subjoin our feeble efforts by suggesting a plan to effect this important purpose, as well as that of accommodating the Western states with a commercial intercourse, which plan we presume will contribute much to the interest of both objects.

It is well known that the Rivers Ohio, Kentucky, Cumberland and Tennessee, though they afford a practicable mode of exporting the produce of this fertile and extensive country, which they water, yet some local inconveniences attach to them, render it so difficult a matter to make remittances by these rivers, that the net profits are nearly lost to the owners and the produce of one of the richest and finest countries becomes of little or no use to society or commerce.

And whereas the fertile country bordering on the Tennessee River for more than nine hundred miles above the Muscle Shoals, have heretofore laboured under very great embarrassments and disadvantages on account of the transportation of the more heavy articles to a market, such as Flour, Pork, Beef, Cotton, Tobacco, etc., which articles are and will be produced in great abundance in that part of the country above the Muscle Shoals, and that for want of a good water conveyance for such produce, the spirit of industry is repressed, much to the disadvantage of East Tennessee, and ultimately to the United States.

And as there is actually a natural inland passage for boats and sail vessels, of moderate size from New Orleans into the Mobile and from thence up the Coosa and Tombigbee Rivers within a few miles (by land passage) of Tennessee River, the great appar-

ent advantage which would arise to the United States, as well as to the several nations of Indians contiguously situated, have induced us to make the following proposals:

Proposition 1st., We will, under the encouragement and protection of the General Government, remove the obstructions to navigation in that part of the river known by the name of the Muscle Shoals, only requiring on our part such reasonable toll per Tun or Barrel, as will in a reasonable time reimburse our expenses in removing such obstructions and making that part of the river a good and safe navigation for boats of moderate size.

2nd. If the General Government will permit a Commercial Establishment to be had at the different heads of navigation on the Tombigbee River, together with the privilege of a road and warehouse on the Tennessee River at suitable points in the Indian country, we will engage on our part to commence and keep up commercial Stock, the Capital of which shall not be less than One Hundred thousand dollars, in goods prime cost, and to pay any reasonable installments to the Indians, their Agents may contract for.

3rd. We desire that Congress will intrust with a corporate capacity and proper assurances of protection, which we believe may be had by the consent and approbation of the Indian Tribes immediately concerned. This we apprehend from our contemplated situation amongst said Indians will immediately act on them and will act as a stimulus to Agriculture and Civilization and greatly improve the commercial intercourse of the United States.

We request the Legislature of the United States to take our proposals into consideration and make such regulation as in their wisdom shall be thought best, to relieve the citizens settled and now settling on so large and valuable a part of the United States from the embarrassments they now experience.

We do not request an incorporation of our company for the purpose of an exclusive commerce on any of the waters or roads mentioned, but only such power and protection as will enable us to carry into complete effect the removing obstructions to navigation and the occupancy of such sites as may be found necessary to facilitate the inland commerce of our country, which we humbly conceive to be of more solid advantage to our country than foreign commerce.

Nature has presented our part of the United States with these

advantages and invites our acceptance of them and that by a little enterprise they may be restored, from which not a partial but a general good may be had.

	T. SIMS,
JOHN CLARK,	E. PARK,
	JOSEPH PHILLIPS,
	LEWIS SEWALL,
	JOHN D. CHISOLM,
	JOHN THOMPSON,
	N. KENNEY.

(317)

Articles of arrangement made within Chickasaw country between James Robertson and Silas Dinsmoor, Commissioners of the United States of the one part and the Mingo Chiefs and warriors of the Chickasaw Nation of Indians of the other part.

Article 1st. Whereas the Chickasaw Nation of Indians have for sometime been embarrassed by heavy debts due to their merchants and traders being destitute of funds to effect important improvements in their country, they have agreed and do hereby agree to cede to the United States and forever quit claim to the tract of country included within the following bounds—viz.—beginning on the left bank of the Ohio, at the point where the present Indian house duly adjoins the same, thence down the left bank of the Ohio to the Tennessee River, thence up the main channel of the Tennessee River to the mouth of Duck River, thence up the left bank of Duck river to the Columbian highway or road from Nashville To Natchez, thence along the Sd. Road to the ridge dividing the waters running into the Duck river, from those running into Buffaloe River; thence Eastward along the said ridge to the great ridge dividing the waters running into the main Tennessee River, from those running into the Buffaloe river—Thence in a direct line to the great Tennessee River near the Chickasaw old fields or Eastern point of the Chickasaw claim on the river. Thence Northwardly to the great ridge dividing the waters running into the Tennessee from those running into the Cumberland River so as to include all the waters running into the Elk River; thence along the top of the said

great ridge to the place of beginning. Reserving a tract of one mile square adjoining to and below the mouth of the Duck River, on the Tennessee River for the use of the Chief etc.

Secondly—The United States on their part, and in consideration of the above cession agree to make the following arrangements: viz., twenty thousand dollars for the use of the Nation at large and for the payment of the debts due their merchants & traders—and to George Colbert and Okay two thousand Dollars, that is to each one thousand dollars—This sum is granted to them at the request of the National council, for services rendered their Nation, and is to be subject to their individual order witnessed by the resident agent—also to Chenumbbe Mingo, the King of the Nation, an annuity of one hundred dollars during his natural life, granted as a testimony of his personal worth & friendly disposition—All the above arrangements are to be made in specie.—

Thirdly—In order to preclude forever all disputes relative to the boundary mentioned in the first section, it is hereby stipulated the same shall be ascertained and marked by a Commissioner or Commissioners, on the part of the United States, accompanied by such persons as the Chickasaws may choose, so soon as the Chickasaws shall have a thirty days' notice of the time and place at which operation is to begin, and the United States will pay the person appointed on the part of the Chickasaws two dollars per day during his actual attendance on that service—

Fourthly—It is hereby agreed on the part of the United States that from & after the ratification of these articles, no settlements shall be made by any citizens or permitted by the Government of the United States, on that part of the present cession included between the present Indian boundary and the Tennessee and between the Ohio and line drawn due north from the mouth of the Buffaloe to the ridge dividing the waters of Cumberland from those of the Tennessee river for the term of three years.

Fifthly—The articles now stipulated will be considered as permanent additions to the treaties now in force between the contracting parties as soon as they shall have been notified by the President of the United States of America by & with the advice and consent of the Senate of the United States.

In witness of all & every thing herein determined the parties have hereunto interchangeably set their hand and seals in the

Chickasaw Country this the 29th day of July in the year of our Lord one thousand eight hundred and five, & of the independence of the United States of America the thirtieth—

Witness,	JAMES ROBERTSON,
T. A. Claiborne,	SILAS DINSMOOR,
John McKee,	CHENUMBEE X MINGO,
S. Mitchell,	GEORGE X COLBERT,
R. Chamberlin,	OKAY X or TISHUMUSTUBBEE,
Wm. P. Anderson,	CHOONUBBEE,
Malcom McGee,	MINGO MALLAKA,
C. Oxbury,	E. MATTAKA MEHO,
	WM. MCGILLIEVRY,
	LEVY COLBERT,

(318)

War Department, October 17, 1805.

Sir:—

Your letter of the 20th ult. has been received, enclosing Mr. Dinsmoor cetificate of the disposition of the eight hundred dollars advanced you. I have received also your letter of the 25th of the same month.

Your description of the lines of the tract of the land, ceded by the Chickasaws, is satisfactory; for which please to accept my particular thanks.

The horses and their equipage, mentioned by you, which were purchased on account of the treaties with the Choctaws and Chickasaws, you will be good enough to sell; and account to this department for the proceeds. Will you, Sir, be so obliging as to have them disposed of in such manner as will be most for the interest of the United States?

I hope soon to hear of a cession from the Cherokees, which will include the tract between East and West Tennessee with some other lands.

There will be no objection on the part of the Public to contribute to the education of the two Indian boys, mentioned in your letter of the 25th, provided the expense be reasonable. I

will therefore thank you to inform me on what terms it can be done.

I am very respectfully,
Sir, your ob. Serv't

H. DEARBORN.

Gen. Jas. Robertson.

(319)

Articles of a treaty agreed upon between the United States of America by their Commissioners Return J. Meigs and Daniel Smith appointed to hold conferences with the Cherokee Indians for the purpose of arranging certain interesting matters with the said Cherokees of the one part & the undersigned Chiefs & Headmen of the said Nation of the other part.

Article 1st.

All former treaties which provide for the maintenance of peace & preventing of crimes are on this occasion reconsidered & continued in force.

Article 2.

The Cherokees Quit claim & cede to the United States all of the land which they have heretofore claimed lying to the North of the following boundary line—Beginning at the mouth of Duck River running thence up the main stream of the same to the junction of the fork at the head of which Fort Nash stood, with the main South fork, thence a direct course to a point on the Tennessee River Bank opposite the mouth of Highowassee River—thence up the middle of the Tennessee River but leaving all the islands to the Cherokees to the mouth of the Clinch river—thence up the Clinch river to the former boundary line agreed upon with the said Cherokees reserving at the same time to the use of the Cherokees a small tract lying at & below the mouth of Clinch river, from the mouth extending thence down the Tennessee river from the mouth of Clinch to a notable rock on the North bank of the Tennessee in view from South West Point—thence a course at right angles with the river to the Cumberland road, thence eastward along the same to the bank of Clinch river, so as to secure the ferry landing to the Cherokees up to the first hill, and

down the same to the mouth thereof, together with two other sections of one square mile each, one of which is at the foot of Cumberland Mountain, at & near the place where the Turnpike gate now stands, the other on the north bank of the Tennessee River) where the Cherokee Talooliskee now lives; and whereas from the present cession made by the Cherokees and other circumstances the scite of the Garrisons at South West Point & Tellico are become not the most convenient and suitable places for the accommodation of the said Indians it may become necessary to remove the said garrisons and factory to some more suitable place, three other square miles are reserved for the disposal of the United States on the North Bank of the Tennessee opposite to & below the mouth of Highawassee.

Article 3rd.

In consideration of the above cession & relinquishment the United States agree to pay immediately three thousand dollars in valuable merchandise and eleven thousand dollars within ninety days after the ratification of this Treaty, & also an annuity of three thousand dollars the commencement of which is this day. But so much of the said eleven thousand dollars as the said Cherokees may agree to accept in useful articles of & Machinery for Agriculture & Manufactures shall be paid for in these articles at their option.

Article 4th.

The Citizens of the United States shall have the free & unmolested use & enjoyment of the two following described roads in addition to those which are at present established through their country; one to proceed from some convenient place near the head of the Stone's river & fall into the Georgia road at a suitable place towards the Southern frontiers of the Cherokees. The other to proceed from the neighborhood of Franklin on Big Harpeth and crossing the Tennessee at or near the Muscle Shoals to pursue the nearest and best way to the settlement on the Tombigbe. The roads shall be viewed & marked out by men appointed on each side for that purpose in order that they may be directed the nearest and best ways, & the time of doing the business the Cherokees shall be duly notified.

Article 5th.

This treaty shall take effect & be obligatory on the contracting parties as soon as it is ratified by the President of the United States by and with the advice and consent of the Senate of the same.

In testimony whereof the said commissioners the undersigned Chiefs and Headsmen of the Cherokees have hereto set their hands and seals.

Done at Tellico on the twenty fifth day of October one thousand eight hundred and five.

Signed, &c

320

Knoxville 8 April 1805.

Dear Sir,—

Col. Meigs has lately informed me by the way of letter that the Cherokees have made known to him that they wish to meet the Commissioners sometime in April or May, on the subject that was proposed to them last fall. From every information that I can collect, I am induced to think they intend making a considerable cession. I shall write you in time when the meeting will take place, and also expect you will attend. I have no news worth mentioning, as I expect you have received all of moment from the members of Congress. Monroe our American Minister is at the Court of Madrid, in order to assist Pinkny in settling the boundaries of Louisiana, and also to (obtain as I have reason to believe) the two Floridas. In this last business I think he will be successful, particularly since a war have taken place between England and the owners of these provinces, for I am of opinion the present possessors will find them untenable and of course will rather barter them off than run the risk of losing them——The Treaty is to be held at the Point at least about one mile below on the south side of the Tennessee.

You will please make known to the people of your neighborhood I am again a Candidate at the next election for Governor. I shall as soon as convenient write to all my friends on the occa-

sion—please forward the enclosed letter to your brother Charles Robertson Agent.

Your friend & Humble Servant,

JOHN SEVIER.

General Robertson.

321.

Southwest Point,

5th May, 1805.

Sir,—

I am this day favored with your letter of the 29th ult. by Major Tatum and thank you for the communication. I have also received by the same hand your letters addressed to James Vann and John Rogers. I have perused them and copied the one to Vann; sealed them and expect to forward them tomorrow and think they will have a good effect. Previously to the receipt of your letter I had heard of your appointment with Mr. Dinsmoor to hold treaties with the Choctaws and Chickasaws. It is pleasing to me, except that we shall be deprived of the pleasure of your company at our treaty with the Cherokees, which is proposed to be held at the mouth of Highwassee to begin on the 4th of June next, at which the Cherokees are anxious to have a deputation of the Chickasaws present, and I take this opportunity to request that you will make this known to the Chickasaw Chiefs as you pass through their nation. We have no authority to require their attendance; but I wish they may come forward. It will probably have a good effect on all the treaties.

The interest of the Cherokees and Chickasaws is so blended that it is proper there should be an amicable explanation of their claims and of their views.

The United States will do them all justice, and they must place a respectful confidence in the administration of the government.

It appears to me at present both from the verbal and written accounts that have come to my knowledge that it will be impossible to say decisively that either of these people have an exclusive right to the whole of the land in question.

From their verbal accounts and their contradictory statements

it is difficult to form a correct judgment of their rights—and from public documents they seem to stand on equally credible grounds.

It seems from their verbal statements that at sometime, which cannot now be ascertained, these people did mutually agree to call that land the middle hunting ground of the four nations. . . . this if not positively does indirectly seem to weaken their claims to the whole of the land as it applies to either of them individually considered. Why was this done, unless they were both conscious that neither of them had a clear or exclusive right to it?

I have reason to think that neither of these nations possessed that tract of country at any very distant period. The Chickasaws say they conquered it and actually possessed that part of it called the Chickasaw Old Fields. The Cherokees say they had a prior right, and re-conquered it by driving the Chickasaws from the Old Fields. The Chickasaws say this was true; but they recovered it again by treaty with the Cherokees. Yet both these people seem always to stand aloof from this land, they discover on both sides an indecisive conduct with respect to this land. The truth of the case is possibly this; that both the conquests and the recovery of it again, were but a half-way business, and that neither of them as before observed can derive their right from any very distant period; and this being the case the strongest arm will hold it finally. Unless the United States interpose their friendly influence—take them both by the hand and say: Children we will give each of you a valuable consideration for your relinquishment of it, by which you will receive an annual income, and harmony and good-will will be re-instated between you—otherwise it will be the cause of a never ending dispute between you and your children.

These are my impressions at the present. If you should acquire any further information I will thank you to communicate it; to do them both justice is the wish of my heart and we know this is the wish of their father the President of the United States.

I am respectfully,

RETURN MEIGS.

Gen'l Robertson.

322.

South West Point, May 27, 1805.

Sir,—

On account of an invitation to the Cherokees to send a large deputation to the Tuskabatches to a council of the four nations to be held there in June—Our meeting the Cherokees is postponed till the fifth day of July on the Hiwassee.

The Cherokees are very anxious to have a deputation from the Chickasaws to meet them there that they may have an explanation on the subject of their claims to the lands north of the Tennessee. If the Chickasaws come forward they will be received by the Commissioners with much cordiality and good will. We hope they will come for it seems to be very proper on account of the cessions expected in which they are each by their own accounts equally interested. We believe it will be for their interest and also of the United States to have a candid manly and friendly conference on the subject.

We wish you success in your negotiation. Please present us respectfully to Mr. Dinsmoor and believe us to be with esteem and respect,

Your obedient servants,

DAN'L SMITH,

RETURN MEIGS.

Gen'l Robertson.

323.

War Department,

February 27th, 1806.

Gentlemen,—

I have to request that you will take some convenient opportunity when the business will be attended with small expense, to converse with Major Colbert on the following points: and after hearing what he has to say in relation to them, that you will decide thereon, and report me your opinion in writing, it being mutually agreed between Colbert and myself that you should be the referees.

1st. What sum, if any, Colbert ought to receive from the United States, in addition to the 432 dollars already paid him,

for the passage of the Tennessee Volunteers in the expedition to and from Natches in the years 1803--4.

2. What rate of passage he shall be entitled to receive in future at the passage places over Duck and Tennessee Rivers.

3. Whether the public buildings at the Ferry on Tennessee river when left by the Troops, will be a sufficient substitute for the house promised Coibert by General Wilkinson; if not what additional allowance, in money, should be made him.

I am very respectfully yours,

H. DEARBORN.

Gen'l James Robertson,
Col. Return Meigs,
Wm. Hill, Esq.,
U. S. Agents to the Chickasaws.

324.

Washington, April 8, 1806.

John Rhea, of Tennessee, to his Constituents.

It is stated that the revenue of the United States, for the year one thousand eight hundred and five, may safely be estimated at twelve millions of dollars.

That the receipts for the year one thousand eight hundred and six, arising from the permanent revenue, without including duties on postage and other small incidental branches, may be computed at twelve millions five hundred thousand dollars. Payments in the treasury during the same year, on account of the temporary duties constituting the Mediterranean Fund, are estimated at nine hundred thousand dollars, and about one hundred thousand dollars may be expected from the arrears of internal duties and direct tax, and from other incidental branches; making for temporary and incidental receipts one million of dollars. The balance of specie in the treasury on the thirty-first day of September last, amounted to four millions five hundred and seventy-five thousand dollars, and may be added to the receipts of that year, making an aggregate of eighteen millions and seventy-five thousand dollars.

The expenditures of the year one thousand eight hundred and six, which must be defrayed out of these resources, are,

The annual appropriation of eight millions of dollars for the payment of the interest and the principal of the public debt, of which more than four millions of dollars will be applicable to the discharge of the principal, and the residue to the payment of interest.

For the civil department, and all expenses of a civil nature, one million one hundred and fifty thousand dollars.

For expenses incident to the intercourse with foreign nations, including the permanent appropriation for Algiers, two hundred thousand dollars.

For the military and Indian departments, one million and thirty thousand dollars.

For the naval establishment, one million and seventy thousand dollars.

The extraordinary demands for the year one thousand eight hundred and six amount to four millions; that is to say, the navy deficiencies of one thousand eight hundred and four and five, six hundred thousand dollars; and the balance of the American claims assumed by the French convention, which remained unpaid on the thirtieth of September last, three millions four hundred thousand dollars; making altogether fifteen millions four hundred and fifty thousand dollars.

From the preceding statement it appears that the permanent revenue of the United States will, during the present year, exceed the permanent expenditures by a sum of more than one million dollars, and that the monies already on hand, together with the temporary resources of the year, will, after leaving the sum which it is always necessary to keep in the treasury, be sufficient to discharge the navy deficiencies, and the whole amount of the claims assumed by the convention with France, the large receipts of the last year rendering it unnecessary to recur for that object to the loan authorized by law.

It appears that during the four years commencing on the first day of April, one thousand eight hundred and one, and ending on the thirty-first day of March, one thousand eight hundred and five, fifty millions six hundred and sixty-seven thousand four hundred and sixty-seven dollars and four cents had been paid into the treasury of the United States, to which being added the sum of one million seven hundred and ninety-four thousand

and fifty-two dollars and fifty-nine cents, a balance in the treasury on the same first day of April, makes an aggregate of fifty-two millions four hundred and sixty-one thousand five hundred and nineteen dollars and sixty-three cents.

The expenditures during the same period have amounted to forty-nine millions six hundred and sixty-five thousand five hundred and seven dollars and fifty-six cents, to which being added the sum of two millions seven hundred and ninety-six thousand and twelve dollars and seven cents, makes the sum of fifty-two millions four hundred and sixty-one thousand five hundred and nineteen dollars and sixty-three cents, of which the sum of fourteen millions one hundred and five thousand three hundred and eighty dollars and four cents hath been sufficient to defray all the current expenses of the United States during the same period. And the sum of sixteen millions two hundred and twenty-eight thousand seven hundred dollars and ninety-five cents, was necessary to pay the interest of the public debt, of which sum three millions one hundred and sixty thousand dollars were paid for interest on the deferred stock, a charge which commenced only in the year one thousand eight hundred and one, and therefore was in addition to the annual sum wanted before that year for the payment of interest on the public debt. And the sum of sixteen millions three hundred and seventeen thousand six hundred and sixty-three dollars and ninety-two cents, hath been paid during that period on account of the principal of the public debt proper, and the sum of two millions nine hundred and sixty-three thousand seven hundred and eighty-two dollars and sixty-five cents hath been paid for debts contracted before the first day of April, one thousand eight hundred and one, and arising under the British treaty, and the French convention of September one thousand eight hundred, amounting to nineteen millions two hundred and eighty-one thousand four hundred and forty-six dollars and fifty-seven cents of the principal of the public debt paid in that period.

The amount of money received in the treasury, within the period mentioned, is large, but it is clearly made appear how it was expended; an account of the disposition is faithfully rendered by those to whom it was entrusted; the particular items of expense are detailed, and open to the most economical examination. More than thirty-five millions of dollars hath, within

that period, been paid for interest and principal of the public debt, all the current expenses of government paid, and a sum of money remaining in the treasury more than one million of dollars greater than that which was in it at the commencement of that period, and no money borrowed.

One million thirty-eight thousand two hundred and thirty dollars hath been received into the treasury, within the same period, from the sales of public lands, and there remained due, in the year one thousand eight hundred and five, for public lands sold, two millions ninety-four thousand three hundred and five dollars. One million nine hundred and twelve thousand six hundred and two acres of the public land were sold before the thirtieth of September one thousand eight hundred and five.

It is evident that a persevering application of the resources of revenue, afforded by means of peace and prosperity, to the discharge of the interest and principal of the public debt, is the only effectual mode by which the United States can obtain the full command of their revenue: every year produces a diminution of interest, and a positive increase of revenue. Four years more will be sufficient to discharge, (in addition to the annual reimbursements on the six per cent. and deferred stocks) the remainder of the Dutch debt, and the whole of the eight per cent. stock, navy six per cent five and a half per cent and four and a half per cent stocks. The portion of the public debt which shall then remain unpaid will consist of the six per cent deferred and Louisiana stocks, and of the three per cent stocks.

Total amount of the unredeemed public debt, on the thirty-first day of December, one thousand eight hundred and five, computed to be seventy-two millions seven hundred and forty-four thousand seven hundred dollars; consisting of the residue of the Dutch debt, one million four hundred thousand dollars; of eight per cent stock, six millions four hundred and twenty-nine thousand and five hundred dollars; of stock redeemable at the pleasure of the United States, two millions seven hundred and thirty-five thousand and two hundred dollars; six per cent stock eighty thousand; Louisiana stock eleven millions three hundred and fifty thousand dollars; unredeemed amount of the old six per cent and deferred stocks, thirty-one millions and eight hundred thousand dollars; and nominal amount of three per cent stock, nineteen millions and fifty thousand dollars.

From the commencement of the mint of the United States, to the thirty-first day of December, one thousand eight hundred and five, there have been struck one hundred and thirty-eight thousand eight hundred and twenty-four eagles, two hundred and thirty-nine thousand four hundred and eighty-nine half eagles; eleven thousand three hundred and fifteen quarter eagles; amount of silver coins one million nine hundred and fifty-three thousands nine hundred and seventeen dollars and seventy-five cents; amount of copper coins one hundred and seventy-nine thousand four hundred and fifty-three dollars forty-seven and one half cents; total, four millions seven hundred and forty-seven thousand three hundred and forty-three dollars and seventy-two and one half cents.

By the treaty of one thousand seven hundred and eighty-three, the United States of America acquired peace and confirmation of independence. They had incurred a large debt by the war. They were without apparent resources and commercial advantages, but were possessed of extensive fertile territory. On the return of peace agriculture revived, and an enterprising commerce began to operate and unfold itself. Persevering agricultural industry and commercial enterprise, in a period of little more than twenty years, have increased the wealth of the citizens and afforded resources to the nation.

After the fourth day of March, in the year one thousand eight hundred and one, the resources of the Nation, began to be systematically applied by more adequate appropriations to the extinguishment of the public debt. By the annual appropriation for that purpose, applied in the manner prescribed by law, the public debt hath rapidly decreased, and if peace can be preserved the United States, in a few years more, will be delivered from the burthen of that debt.

Agriculture and commerce mutually assist each other; agriculture supports commerce, commerce gives vigor to agriculture. Agricultural industry confined to, the necessities of life only would be languid and feeble. Give a prospect for sale of the overplus, industry is favored; commerce affords that prospect.

The annual value of articles, the produce of the United States, exported to all parts of the world, calculated on the average value of the exports in the years ending on the thirtieth day

of September, one thousand eight hundred and two, and three, and four, is computed at thirty-nine millions nine hundred and twenty-eight thousand dollars; of which articles cotton is one, and the value thereof computed at six millions nine hundred and forty thousand dollars. The value of exports from the United States, for one year, prior to the first day of October, one thousand eight hundred and five, is estimated at ninety-five millions five hundred and sixty-six thousand and twenty-one dollars; consisting of articles of merchandise the produce of the United States, value, forty-two millions three hundred and eighty-seven thousand and two dollars; and of articles of foreign produce, fifty-three millions one hundred and seventy-nine thousand and nineteen dollars.

The extensive commerce of the United States, which employs near nine hundred thousand tons of shipping annually, may have afforded cause of disquiet to Great Britain during the continuance of the late William Pitt in office.

That agreeably to the continued policy of that power the new commercial regulations, hostile to the commerce of the United States of America, and other neutral nations, were adopted and enforced; to meet the same new regulations with opposing regulations, on behalf of the United States, to promote manufactures, and to assist negotiations for an amicable settlement of existing differences with Great Britain, the house of representatives of the congress of the United States passed a bill to suspend the importation of certain enumerated articles of merchandise from the dominions of Great Britain. The British ministry is changed, and reasons which heretofore ought to have operated may now operate to establish commercial relations, mutually beneficial to these United States and Great Britain, securing the duration of peace.

Reasons of the last importance may induce Spain to an amicable settlement of differences with the United States. Spain is the ally of France; France and Great Britain are not in a state of peace. It cannot be believed that either of these powers are willing to pursue measures conducive to war with the United States. Measures are adopted to promote an amicable arrangement of territorial limits, and other subjects of difference with Spain.

War is an evil to a nation. At any time, more particularly

at this time, it would be very injurious to the United States; agriculture would be injured; the settlement of rich uncultivated territory would be retarded; the resources of revenue, arising from commerce, would be suspended, if not annihilated; direct taxes would have to be resorted to; the public debt would be accumulated; the current of national prosperity would be stopped; in addition to all the foregoing, it cannot be proved that the United States have men to spare for the sword.

Honorable peace is everything to these United States; under its benign and heavenly influence population will increase, agriculture will flourish, commerce will be enlarged, the revenue of the United States annually will be augmented, the public debt will be discharged, and there will be an example of one nation having paid its debt agreeably to principles of moral rectitude. Let honorable peace continue twenty years more, the prosperity, happiness, and power of the United States of America will remain fixed on a basis not to be moved by the united efforts of nations.

With sincere esteem, your fellow citizen,

JOHN RHEA.

325.

War Department
May 15th 1806.

Gen'l James Robertson,

Nashville, Tenn.,

Sir,—

Your letter of 11th of December last, having been mislaid, has prevented an earlier answer.

Your bills as stated will be allowed for the two Chickasaw boys. You will please to transmit your bills of expense annually for settlement as all such accounts must pass through the accountant's office before payment can be made.

A very unfortunate circumstance has taken place in relation to the Chickasaw treaty. The appropriation bill for carrying that treaty into effect, and the convention made at this place with the Cherokees, had a section annexed to it, (providing against settlements on that part of the land lying south of the line of Tennessee) which was rejected by the senate, and

the bill was lost. This being on the last day of the session of the Congress, no appropriation was made for carrying these treaties into effect.

There is no doubt however, in my mind, but an appropriation will be made at the next session of Congress. In the meantime the Chickasaws and Cherokees will probably feel uneasy, especially should any settlements be made on the lands ceded by said treaties, which I presume will be the case. Should you see any of the Chiefs, I will thank you to explain the matter to them in such manner as to render them satisfied.

I am very respectfully

Sir, your Hum. Servt.

H. DEARBORN.

326.

Nashville May 15th 1806.

Col Meigs I was favored with yours of 2nd instant and can only remark that your observations in complying with the instructions from the war office are correct and very satisfactory to me but there is an occurrence which I doubt will much imperil the harmony expected to prevail in completing the treaties with the Chickasaws and the Cherokees. no doubt you have learned that the appropriation is not made, and as those treaties have been considered—Constitutionally ratified. people have thought themselves justified in taking possession of their land, which they have been kept out of upwards of twenty years, on account of the Indian claim, and I hear from the latest information will go on to settle, and should the Indians undertake to prevent settlement as security for their pay I dread the consequences. I would be very happy sir to have your opinion on this subject by the return of the mail. I have not seen Genl Smith but shall in a few days, as I want to consult him on the measures to be taken with the Chickasaws, for it will be very difficult to remove undue prejudices which may be made on their minds. if your business would admit, it is my opinion that it would have a very good effect if you could come on and go with me and see Colbert. if you should conclude on this I will write to

Colbert next mail as he is now in the Chickasaw nation. if this is not convenient to you and you can have confidence in my report of the buildings & ct at Colberts ferry I will go see him and indevor to bring him in to meet you at this place when you may think proper to name the time. I think by taking proper measures with the Chickasaws they may be reconciled to wate for thare pay. and more especially as they ware opposed to Colberts clame and that being the reason that congress did not make appropriation and that there is but little doubt of its being dun next congress—I expect you will have a full shear of trobel with Cherokees on this head—will the secretary of war give the indians aney infermation on the subject of the appropriation or not—I am respectfully your Humbel servant.

p. s. letters from you and Genl Smith on the subject of the treaty may have a good efect as I know the Chickasaws have grate confidence in you Both. I suppose you have heard of the death of Mr. Hill agent of the Chickasaws, which I doubt not is true.

(Unsigned.)

327.

War Department.

30th April 1806.

Sir,—

The Indians treaties & conventions, have, all except the one with the Choctaws, been ratified by the Senate, and the necessary appropriations have been made by Congress for carrying them into effect. except the convention made at this place with the Cherokees, the treaty with the Chickasaws, and Piankishaws. These three were in a separate bill from the others, and a clause being attached to it, for preventing settlers going on to a certain part of the South of the State of Tennessee, the Senate objected to the clause, and the whole bill was lost. There is no doubt but the appropriations will be made at the next session of Congress. And you will make such explanations to the Cherokees as the nature of the case may require, to satisfy their minds for the present.

I am very respectfully

Sir

your obt. servant,

HENRY DEARBORN.

Col. Return Meigs.

328.

Southwest Point,
1st June, 1806.

Sir,—

Your letter of the 15th of May did not reach me in time to answer you by the last week's mail. I have a letter from the Secretary of war on the subject of the ratification of the treaties, appropriations etc. I will extraordinary circumstances excepted, be at Nashville next week. I should have been with you by this time, but having been directed by the Secretary of war to pay the troops in this district for the future, Mr. Braham being ordered to go to the district of Georgia, he was directed to put his papers relating to that business into my hands. I have therefore been waiting several days for his return from Nashville—he is now arrived, and as before mentioned you may expect me soon to be with you. I shall have the company of Major Macrae to Nashville.

I think, sir, that you and General Smith and myself can quiet the minds of the Indians and prevent anything to disturb the harmony between them and the citizens, if the last will be governed by the best advice the circumstances will admit of.

The Secretary of War says there is no doubt the appropriation will be made the next session of Congress.

I am sir

respectfully,
RETURN J. MEIGS.

General Robertson.

P. S.,

You mentioned in your letter that if I could confide in your report of the value of the buildings at Colbert's ferry that you would go down and see them and bring Major Colbert up to Nashville with you. You may rely on it Sir, that I can entirely rely on your opinion respecting those buildings or anything which is committed to us. I propose to start next Monday and it will take near five days to arrive at Nashville. If you receive this on Thursday evening or Friday morning you may perhaps go to Colbert's ferry and return by the time I arrive at Nashville. However I will leave it entirely to you.

R. J. MEIGS.

Gen. James Robertson.

329.

War Department
July 24th, 1806.

Gentlemen,—

Your letter of the 30th ultimo, with its enclosures, has been received. The report made therein will be adhered to.

I am very respectfully
your ob. Servt.
H. DEARBORN.

Genl James Robertson
&
Col. Return J. Meigs.

330.

War Department,
October 4th, 1806.

Sir,—

Your letter of the 13th ult enclosing a statement of the expenses for the two Chickasaw boys has been received. Your bill on this account will be paid on being presented to this Department. It is hoped, however, that hereafter the expenditures for their clothing will be less.

I am very respectfully, Sir,
your obt. Servt.,
H. DEARBORN.

Genl James Robertson.

331.

War Department
April 1st, 1807.

Sir,—

Mr. Thomas Freeman having been appointed to run the boundary lines conformably to the Chickasaws' treaty and the convention concluded at this place with the Cherokees, and also to survey the tract contained in the Chickasaw Treaty south of the State of Tennessee—I take the liberty of requesting you to accompany the surveyor, with two or three of the Chickasaw Chiefs, in running and marking the line, from where the Columbian highway (forward from Nashville to Natches), crosses Duck

River, along said road to the ridge which divides the waters running into Duck river from those running into Buffalo river; thence eastwardly along said Ridge to the great Ridge dividing the waters running into the main Tennessee river, near the main source of Buffalo river; thence in a direct line to the great Tennessee river near the Chickasaw Old Fields or Eastern point of the Chickasaw claim on that river. The last mentioned point should coincide with the convention with the Cherokees, which is a Bluff a little above the upper point of the Island, which island was considered as the upper point of the Chickasaw old fields. At this point Col. Meigs will be requested to join you, with two or three of the Cherokee Chiefs, and to proceed with you on the line from said point to the most easterly source of the waters of Duck river. This line will be considered as combining the eastern lines of the Chickasaw and Cherokee treaties; for, although the Chickasaw treaty appears to embrace the whole of the waters of Elk river, their claims to any land eastward of the line stipulated with the Cherokees, is too doubtful and vague to rely upon and even a large proportion of the land eastward of the road leading from Nashville to Natches appears, on as full an investigation of their claims as probably ever can take place, to be extremely doubtful at least, so much so that it has been found necessary to purchase the Cherokee title to the same land, as well as that of the Chickasaws, and we cannot with propriety extend the line any further East than will be conformable to the said convention with the Cherokees; of course one line will be sufficient for both. When the true course is found from the point above the Chickasaw old fields to the most eastern boundary of the waters of Duck River, it will only be necessary to run and mark the line from the Tennessee river until it shall intersect the line run last year, from the fork of Duck River to opposite the mouth of Hiawassee.

It will be necessary for you to notify Colonel Meigs of the time as near as possible, when you will arrive at the Chickasaw Old Field so that he may meet you there.

Mr. Freeman will engage chainmen and other necessary hands, and I will thank you to afford him any aid in your power in procuring the necessary means of subsistence and transportation of provision etc. He will be authorized to draw on this department for such sums as may be necessary.

Your compensation will be five dollars per day and your actual expenses from the time you set out until you return.

I have taken the liberty of directing Mr. Freeman to come to your house; and there, with your aid and advice, make the necessary preparations.

George Colbert should be one of the Chiefs to attend the running of the line; and Double Head should attend the last line as a Cherokee Chief.

It is desirable that the lines should be run correctly and in strict conformity to the fair intentions of all parties; and so marked as to leave no room for dispute hereafter.

I am very respectfully Sir,
your ob. Svnt.

H. DEARBORN.

General

James Robertson.

332.

Sept. 23rd 1807.

Sir,—

I am not informed whether you are one of the two or three Messrs Robinson with whom I became acquainted at the Long Island treaty with Indians before this time thirty years ago—or you may be the same Robinson who very obligingly sent me locations for 9000 acres of land in 1783, the warrants for which were necessarily moved and laid on the Obion and other waters by Harris and Rutherford surveyors in the year 1785. I understand you are one of the Commissioners for Indian affairs I therefore beg the favor to communicate to me the prospects you may have of a treaty with the Chickasaws so as to extinguish their claims to these lands and any knowledge you may possess of the Obion lands and the water and face of the country as it respects the health and formation of society and in a word such observations as you may deem interesting to me on the subject I wrote you last winter or spring, but perhaps it miscarried. I have received no answer. please direct to Statesville Iredell county via Morgantown and it will come direct from Nashville.

Sir

Your obedient humble Servant

WM. SHARPE.

This goes by a Mr. McCreary to Sumner near Cairo.

Wythe Co. House Va. Dec. 27th, 1807.

Sir,—

I received your letter on Friday last the day I arrived at this place. No doubt you have long waited for an answer from me it was my Intention to Inform you as Soon as I cold Respecting the Road buziness, my Setlement with Mr. Bradley, the enquiries made & I was pleased with my own setlement, but as to yours I cold not do any thing. he asked me if you had made anything by opening the road I stated that it cold not be possible you made money, and that you had lost, and gave out several teams, and all your hands taking sick with yourself made very much against you, and that people had informed me that the road was well cut, altho some sayd it was not, and that you had scarce done any work. I also stated your own words that people expected such a road as the government first proposed and published to be made, I have received a letter from Mr. Bradley since I returned which I ought to have had at Nashville it was dated September 13th 1807 the contents read thus (a copy)

General Post office.

Sir,

Your letter advising that General Robinson had informed you that he had compleated that part of the road which he contracted for and that you had drawn for the balance due him 1175 D has been received and the draft has been presented and I regret that it cold not be paid.

When we employed you we agreed to pay you by the day and of course you would be entitled the pay for the time you were employed whether the work was compleated so as to be usefull or not. if we had contracted with you to do certain work for a certain price, then we should have require some person to ascertain whether you had complied with your agreement. He says so—but he is interested and therefore not a proper judge. you are disinterested and ought to have gone yourself or if your employment wold not admit of that, to have employed some intelligent and disinterested person to say whether he had complied with his contract & to have sent on your or his certificate that it had been done. Because this was omitted your draft was refused. And we had additional reason for so doing

for a Gentleman of the first respectability in the Mississippi T. writes under date of July 7th as follows viz: I am informed from so many various and respectable authorities as not to admit the possibility of a doubt as to the facts. that the work done and doing on that part of the road included in the Contract adjoining this territory is by no means such as the government intended and as the sum allowed will warrant—in fact that the road is equally impassable as before on the same day it is cleared. & more dangerous because the causeways and bridges form impediments in the road and fords which endanger both the safety of man & horse to cross. I have therefore to request that you will engage Mr. Thos. Wright to go through that part of the road Contracted for by Genl Robertson and decide whether he has complied with his contract and that if he has not Genl Robertson must compleat what is deficient before any more money can be paid him. If Mr. Wright cannot go it will be essential that you shold yourself. I have written to Mr. Wright on the subject.

I am sir

your most obnt.

ABRAHAM BRADLEY, JR.

Now Sir if Mr. Wright has not done anything yet and will not do it please inform me and I will see immediately that the thing is done. I have wrote on to know if I must go. I wold be glad if I could have the doing of it and cold fix to your satisfaction I hope you will not think hard of me on the account of things working Contrary to your expectation, you will please let me hear from you by first mail, at this place.

I am your most obedient

GEORGE HALLER.

334.

Nashville Febry 15, 1807.

Sir,—

Will you pardon me for addressing you when perhaps I never saw or heard of you. I have intruded on the goodness of Mr. Abraham Bradley, assistant to the postmaster general, to back this letter and forward to you.

I had bid for the opening of the road from Duck River bridge to Tennessee ridge at eight dollars per mile sloping banks included, there will be little or no bridging or causewaying on that part. From Tennessee to Grindstone ford at eleven dollars per mile sloping all banks under fifty feet wide not bridged, including bridging at one dollar per foot, causewaying at one dollar and twenty-five cents per yard.

I have been well informed from the Natchez that my bids were considered full low & the same sentiment prevails here, from which circumstance I was induced to believe that I should certainly get the contract and made every preparation to commence the business immediately. I laid in pork and beef as early as the season would admit of which is dry and scarce fit for taking on the road. I have a sufficiency with some contracts on the road to complete the business. Last mail I received a letter from Dinsmoor informing me that my bids were not accepted some person having taken the whole route at less than eight dollars per mile neither his name or place of residence was mentioned. I had rented a considerable part of my farm intending to take nine or ten hands of my own. From these circumstances I would be fond to join you as a partner, or take part of the road. From this place to Tennessee I would take at six dollars per mile, or any one of the bids that you may choose, I know nothing could be made at eight dollars per mile from Tennessee to Big Black. From Big Black to Grindstone ford I will open at six dollars per mile. I apprehend the bridging and causewaying is not lower than my bid, if it is little can be made. I expect to cover the causewaying with earth that water will not move it. If you think proper to take me in as a partner please to let me know it as soon as possible, as I will set about the business instantly, for I conceive it ought to be done as soon as can be, before the commencement of the sickly season. I have a boat, wagon and ox cart which I intended sending down with hands and provisions to commence at the Grindstone ford. I intended also to commence at Duck River ridge with three teams and to superintend the business myself until the two parties should meet. I am well acquainted with opening roads and being acquainted with the Chickasaw and Choctaw Indians and with those white people residing among them I conceive that I can do the business on

better terms than any other person. But should you not choose to take me in as a partner, or let me have any part of the contract, I will let you have the above named supplies and assist you all in my power. I hope to have an answer as early as possible, my Hands being out of employ.

I am sir your obt. Servt.,

JAMES ROBERTSON.

335.

General Post Office

Sept. 13, 1807.

Sir,—

A draft made by Mr. George Haller in your favor for 1175 D. stated to be the balance of your contract given for opening and improving the Natchez road has been presented & I was under the necessity of refusing payment, because it appears by the accompanying letter that Mr. Haller had neither examined himself nor employed any disinterested person to certify that you had fulfilled your contract. This ought to have been done and a certificate forwarded to that effect.

I have also received a letter from a gentleman of the first responsibility in that territory from which the following observations are extracted viz.,

“I am informed from so many various and respectable authorities as not to admit the possibility of a doubt, as to the facts, that the work done and doing on that part of the road included in the contract adjoining this territory is by no means such as the government intended and as the sum allowed will warrant—in fact that the road is equally impassable as before on the same day it is cleared and more dangerous, because the causeways and bridges form impediments in the roads and fords which endanger both the safety of man and horse to cross.” I am told that that part of the work next to the State of Tennessee is faithfully executed.

I have therefore requested Mr. Thomas Wright (he was designated in the postmaster general’s advertisement for that purpose) to proceed through the route and report whether your work is done conformable to contract. If Mr. Wright cannot

attend I have requested Mr. Haller to employ some other independent and judicious person for that purpose. If they are of opinion you have fully performed your engagement the draft will be paid but if otherwise nothing more can be paid until you have compleated what they state to be deficient.

I am Sir

your most obedient
ABRAHAM BRADLEY, JR.

Gen'l James Robertson.

EDITORIAL NOTES.

One of the most satisfactory efforts to perpetuate local tradition and put into durable form the recollections of the old inhabitants of a community, has resulted in a History of Hickman County by W. J. D. and David L. Spence, published by the Gospel Advocate Co., Nashville. So many county histories are mere money-making schemes, and are so filled with biographies and pictures of people who have paid liberally to get before the public, that the announcement of a county history is usually received without interest.

This book, however, is free from that criticism, and has so far been a labor of love that the authors will probably suffer a pecuniary loss by its publication.

The text is so arranged that the account of each civil district is completed in one chapter, while other chapters treat of facts in the general history of the county. The authors have given lists as full as can be made of the legislators and other county officials, officers and soldiers of Hickman since its organization. The prominent lawyers, preachers, physicians, and teachers are also mentioned. Many interesting stories are given of romantic or stirring incidents in the history of the Tennessee pioneer, with descriptions of his home, his dress, food, his amusements, and his mode of life. Wherever it was possible, the verbal statements made to the authors by old residents have been compared with the records of the county, and in this way much doubtful matter has been eliminated. The Messrs. Spence have made a valuable contribution to the history of Tennessee.

The Tennessee Historical Society has been fortunate the past winter in several ways; it has added a number of new names to its roll of members; it has received many donations to its already valuable collection of books and manuscripts; and several interesting and important papers on historical subjects have been read before the Society by gentlemen of ability and of

reputation for close historical investigation. One of the papers submitted was by Hon. Wm. H. Henderson, of Knoxville, on the "Life and Character of Alexander McGillivray," the celebrated and talented Creek chief; another was by Gen. G. P. Thruston, which was the abstract of an article on the history of Nashville he has been asked to prepare for an encyclopoedia; another was on the "Great Seal of Tennessee," by Dr. R. L. C. White, and indicated the careful research on the subject of the design, the adoption and the first use of the seal for which this gentleman is distinguished. At the March meeting Hon. John Allison read a paper on the "Bridge Burners of East Tennessee of 1861," based on a chapter in Judge Temple's recently published book "East Tennessee and the Civil War." The paper gave some curious bits of information relating to a plan by Union men of East Tennessee, backed by authority and financial aid from Washington, to impede the movements of the Confederates by the destruction in one night of all the railroad bridges between Chattanooga and Bristol, and for which a number of men were imprisoned or executed. At the April meeting Dr. E. E. Hoss will address the Society on the subject of the "Last Days of the State of Franklin," and Col. Henderson has in preparation a paper entitled "The Curious Story of Fort Loudoun."

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WILLIAM AUGUSTUS BOWLES.

BY SAMUEL WATSON.

This celebrated personage was born in Frederick county, Md., in 1763. At the age of thirteen he joined the British army at Philadelphia, and soon obtained a commission. He was afterwards dismissed from the service at Pensacola. He then entered the service of the Creek Indians, and married one of this tribe.

On May 9, 1871, when Pensacola surrendered to the Spaniards, Bowles commanded the Creek Indians, whom he had brought there to assist the English.

After the war he joined a company of players at New York; played at the Bahamas, where he also painted portraits. Gov. Dunmore appointed him trading agent for the Creeks. He established a house upon the Chattahoochee, but was driven thence by McGillivray. He was entrapped by the Spaniards in 1792, sent a prisoner to Madrid, and thence to Manila, in 1795. He escaped and returned to the Creeks, but was again betrayed into the hands of the Spaniards, and died in Moro Castle, December 23, 1805.

The following article I have translated from a French book, published in Paris, 1807, and being the description, by C. C. Robin, of his travels in Louisiana and Florida during the years 1802, 1803, 1804, 1805, 1806.

At the time the author wrote, Bowles—or to use his spelling, Bawles—was still living, or, if dead, the writer had no knowledge of the fact:

"An Englishman named Bawles, who, in England, had been Lieutenant of a company of Grenadiers, had gone to the Isle of Providence, an English colony. During a somewhat extended sojourn in this island he became acquainted with the considerable commerce in skins carried on in Western Florida by the privileged firm, one of whose houses, as I have said, is located at Providence. Bawles wished to inform himself upon the ground in regard to the extent of this commerce, and to participate in it. Whether this idea had been suggested to him in England by the agents of that government, or whether he really conceived it only while in Providence, the fact is that he left this island for Florida, with some articles of trade. He soon formed intimate relations with the savages, and became welcome among them. Bawles, tall and finely formed, joins to a martial air a face open and agreeable; with genius and a cultivated mind, he is enterprising and audacious; affable and supple, he is able to accommodate himself without difficulty to whatever conditions circumstances may exact; generous, magnificent, ostentatious when necessary, he can yet easily adapt himself to simple, austere, and savage manners.

"Bawles, in the beginning, trading with the Indians, soon became their friend and companion by conforming to their habits, speaking their language, presiding over their hunting parties, and participating in their festivals. Like them he went naked, with a simple *braquet* around the waist and *mitarres* on the feet, slept upon the ground, lived on corn cooked in water, and dried meat. In the midst of this kind of life, Bawles, who had been reared in the refinement of Europe, prepared among the Indian nations a general insurrection against the Spaniards. He exchanged the different commodities brought by him at prices much lower than those charged by the Pensacola firm, and promised to furnish them in the future in greater abundance; above all, he was lenient in the matter of credit, a bait always seductive to savages. Thus he alienated them more and more from the Spaniards. 'These greedy despots,' he unceasingly repeated to them, 'gather all the profits of your hunting labors, and leave you poor in order to reduce you to utter slavery. The magazines which they have established in your different villages are only rich because they get your skins at a low price, and overcharge you with impunity for what you need, since you can nowhere else procure

these things.' The savages, whom he thus inflamed, wished to proceed at once to the pillage of the magazines. But Bawles, too politic to tolerate such dangerous examples, took a middle course. He rated the commodities of these magazines at a price equal to the objects sold by him. By this appearance of justice he rendered the Pensacola firm unable to continue the payment of its subsidies to the government of Spain and its agents, broke all commercial relations between the savages and the Spaniards, fomented the hatred of the Indians against the latter, opened more and more to England the exclusive trade of these countries, and organized a general insurrection, which, combined with the war of England against France, facilitated to the English the conquest of all the Floridas.

"In these circumstances each tribe of savages eagerly sought the friendship of Bawles, and soon all of them emulously elected him their chief. Bawles, then, without departing from his frugal mode of life, displayed at their head the pomp of a great general, decked himself out with rich plumes, brilliant arms, which he also distributed to his warriors in accordance with the rank assigned to them, introduced among them elements of subordination, and constrained them to rules of discipline.

"Hostilities commenced. Bawles had now sufficient authority to repress in the savages that greed for blood and pillage, which, among them, characterizes their exploits; he prevented them from killing the enemies who begged quarter; released all those who were not soldiers, and acted towards all alike with great humanity, the wounded being carefully treated. This treatment was limited to sucking the wounds and washing them with fresh water, which was introduced into their sinuosities by means of tubes, then various simple remedies were applied. The physicians accompanied these operations with invocations, the tracing of mysterious figures and assumed an appearance of inspiration. It is certain that these suckings, fomentations and application of plants cured very promptly. I have seen, at Pensacola, persons whose wounds had been treated by them, perfectly cured, whilst others wounded at the same time and more grievously, were only cured a long time afterwards, although treated according to European methods.

"These hostilities spread consternation throughout all Florida, and the government was in great anxiety. The enemies made

incursions as far as Pensacola and carried off all that they found. How was it possible to march against them across those forests, when they dispersed so rapidly, only to appear suddenly in other places? How could troops be removed from the town where were assembled all the families, and all the munitions were stored? And, moreover, this had no defenses, and was open on every side. Doubtless, then, the governor of Louisiana must have recognized the deplorable effects of that jealous and narrow policy which kept Pensacola in humble subjection to New Orleans, and had not peopled the country with cultivators, who would have become defenders in time of need.

"The governor of Louisiana had recourse to a means much at variance with that loyalty, often romantic, which, during so many ages, had characterized the Spanish nation; an odious means, and which doubtless his court would have quickly disapproved. It was perfidy; he began a correspondence with Bawles, under a pretence of coming to a reconciliation. He caressed him, praised him, and finally brought him to an interview at New Orleans. The officer bearing the passports especially assured Bawles that his person would be inviolate, and gave him, as additional pledge, the governor's word of honor. Bawles, generous and confident, went to New Orleans. On his arrival he was loaded with irons. 'What!' he cried, in the governor's presence, 'the officers of a great king, so highly paid, honored with eminent dignities, thus make sport of the most sacred obligation! My trunks have been taken from me, my gold and papers stolen, and my hands loaded with irons. Ah!' he cried, shaking violently his chains, 'the faith of oaths violated in my person will find avengers.'

"I report literally these words, which leave no longer any doubt that Bawles was the agent of the English government.

"He was sent to Havana, the residence of the captain general, and thence was embarked for Spain. This was during the last war; the vessel was captured by the English and taken to their ports. Bawles, accompanied by some savages, excited at London the greatest interest. The duke of York went to see him, and it was supposed that the object of this visit was not alone idle curiosity. Some time afterwards, this chief of savages embarked for Jamaica. It is well to observe that it was upon a frigate, and

upon his arrival in this island Bawles displayed evidences of wealth, and was especially noted for his lavish generosity.

"A few months after, Bawles embarked for Florida with his savages, upon a copper lined corvette, abundantly provided with articles of trade.

"Many other small vessels were in succession sent to the same destination. Scarcely any of them, however, could reach these coasts, which are difficult of access on account of sand-banks, currents and adverse winds. Thus, Bawles, upon his return among the savages, was deprived of the means so necessary to execute the different plans of attack against the Spanish establishments, and to preserve and augment the confidence of the savages, who, always greedy and inconstant, are always ready to sacrifice the most important interest of the future to the lightest interests of the moment. It was in these circumstances that, without lead, and with powder only, he appeared with his savages before the fort of the Apalaches, situated fifty leagues to the east of Pensacola, upon a bay into which flow the waters of the two little rivers, Talasatchina and Touskache. He frightened the garrison by his display of numbers and threats of outrages, so that it forthwith surrendered. This event produced an alarm at Pensacola, and if Bawles had marched immediately upon that town, it would have been in his possession. It was poorly fortified, and could have been destroyed and its harbor abandoned to the first comer.

"The governor of Louisiana now tried to corrupt the savages by putting a price upon the head of Bawles. Dazzled by piles of silver which surpassed anything they had ever seen, they surprised their chief and delivered him to his enemies. He was sent immediately to Havana; it is not known what has become of him, but it is thought that he is still in prison there. At the peace it is more than probable that he will be reclaimed by his nation."

JOSEPH BROWN'S NARRATIVE.

One of the most romantic stories in the early history of Tennessee is that of Joseph Brown. His father, an officer in the Revolutionary war from North Carolina, with his wife, five sons, four daughters, and some others, started from Holston, in May, 1788, by water for the Cumberland settlements, intending to descend the Tennessee, and ascend the Ohio and Cumberland, as Donelson had done eight years before.

Near Nicojack the boat was attacked by Indians. Col. Brown, two sons, and three sons-in-law, were killed; another son received two wounds; Joseph and two sisters were carried into a captivity which lasted nearly a year, while the mother and another daughter were marched on foot two hundred miles, and were prisoners seventeen months. Of his residence among the Cherokees, at Nicojack, his release, and that of his mother and sisters, by Sevier, Jos. Brown has left a detailed account, which the reader will find in Ramsay, p. 509.

Six years later, and when only twenty-three years old, by serving as one of the guides for Maj. Ore's successful expedition against Nicojack, he fulfilled the prophecy of an old squaw, made at the time of his capture, that the boy, unless killed, would some day lead an army against the Cherokees.

In the interval between his release and this expedition he had another adventure equally dangerous, and equally in keeping with the history of the period, which he has described in a narrative addressed to the author of "History of Middle Tennessee," and which is among the papers of the Tennessee Historical Society.

The narrative has been both condensed and abbreviated here, but the spelling and phraseology have been preserved as far as practicable.

Pulaski, Giles Co.,

March 30 1858

Col. A. W. Putnam

Dear Sir: Yours of 2nd came to hand last night from Pleasant Grove. Pleasant Grove never was my post office, tho. I

lived handy to it for many years but Pulaski Giles Co is now my post office.

Relative to your inquiry Genl. A. Jackson was not on the Niojack campaign; but if my memory serves me he at that time had something to do in the contractor's business, for his brother in law Mr Samuel Donnelson came to our camp a day or two before we started, and Wm Reed of Sumner County was there and neather of them had ever been beat in a foot race, and Donnelson observed that he was in bad fix to run for he had been gathering beeves the day before; but still he was willing to run to gratify the company; and did run and was beat five or six feet; but Sandy Donnelson did gow and was wounded at Niojack a younger brother. So I know that Jackson and the Donnelsons done all they could for the protection of the country, altho. I presume Doctor Ramsey had been rongly informed on that subject.*

As to relics of the war I now have none. I had an elegant sword but I gave it to one of my grandsons who is gone to Texas, or the Society should have it. If I live to the 2nd day of August next I shall be eighty-six years old, so I hope you will excuse my interlining &c.

Mrs Fogg has attempted to give a history of the mercy of God to so unprofitable a mortal as I have ever been to society. There is one part which has never been penned which is as strange as that which has been penned. I went to East Tennessee on business in the winter of 1793 and on my return got in company with Col. Robert Hayes a brother in law of Genl. Jackson. When we got to Knoxville, William Blount then Governor or Governor Sevier I do not know which was Governor of the Territory at that time, a Cherokee trader had informed him that a large body of Indians was about to waylay the trace coming to Nashville and we had better turn and come by Kaintucky.

We done so and the second night we got within three miles of the last house. I had a negro woman along and we concluded not to eat breakfast till we got there and then not to stop till night. But when we went to start the horse the negro rode was badly foundered

*Ramsey, p. 614, quoting "Willie Blount's papers" as authority, says Jackson was on this expedition as a private in Maj. Ore's command, and rendered valuable service.

I observed to Col. Hayes I would be glad if he would take charge of the negro as I had to stop with my horse and she had provisions enough to do her to Nashville. He said he would so cheerfully as my brother William had saved his life two years before at Emory's River. A large body of Indians had fired on them about day break as they were waking out of sleep and rushed on them. It was about $\frac{3}{4}$ of a mile to Emory's River and they ran to it; my brother was shot in the back of his right hand and the ball came out at his wrist; but he got off his clothes and tied them to a chunk with his handkerchief but they came off; at that instant Col Hayes was sinking just before him. He being a good swimmer gave his chunk to Hayes and by that means both lives were saved but my brother had lost three fine horses and all his money and clothing but his shirt. After Hayes gave the above information the company started and I stayed with my horse. I led him back to the Fort and stayed there one week till he got well and the post rider Thomas Ross and Col Friley came along, and as they lived in Kaintucky I concluded if they could go safe I could. Accordingly we started the next morning. But the 2nd day about 2 o'clock on the East side of Little Laurel river we were fired on by Indians. We dashed forward to the river. Ross' horse could outrun mine and he was about a rod ahead, and Friley was forty yards behind. Ross' horse fell and he went over head. Friley called to me he was wounded and for me to charge my horse down the bank or they would have us. I answered I was wounded also and turned my horse into the river. When he got half way up the bank he fell and I sprung off him and took off my overcoat to run and at that moment saw Ross' mare rising the bank. I caught her as she passed and sprung on her and came off on her. My own horse over took me and I soon struck Friley's trail; it was post oak land and the Indians had burned the leaves off the ground and his mare had thrown up the white clay so I could see his trail for 30 yards ahead. I could see blood on the bushes where he passed. In about 1-4 of a mile I overtook him in a little sunk place where he had stopped. He said he was so sick he would be obliged to get down. I observed to him "if you do you will never get up again for the Indians will be here in five minutes, besides your horse is shot and may not carry you twenty minutes." He agreed to go on. . . . In less than

a mile we struck the road, but Friley was so deranged he wanted to take the wrong end of it. . . .

We got to the house of a Dutchman who was very kind, put my horse in his pen and dressed my wound—he found a piece of the socket bone of my shoulder in my shirt and put some whiskey and sugar on my wound and gave me a deer skin to lay down on which I occupied for two nights and a day with a high fever. The second night about midnight a company of three men and two women came thro. after us and stopped at Little Laurel to camp, and found poor Ross' body stripped naked and his head cut off. This alarmed them and they mounted their horses and came on. The next morning my fever had subsided and my horse had got up. I plead with those theaves as I learned afterwards that was their character in Georgia and were then running away to let me go with them. They said I could not go but I told them there was no could not with me. I must go where I could get medical aid and nourishment and that the road was as free for me as any other person. . . .

I got to the Crab Orchard and there was a doctor a brother in law of Ross . . . who treated me with a great deal of kindness and tenderness for six weeks before I felt able to start home and he would suffer me to eat no meat. . . . Col. Wm Whitley lived in about three miles and I went there every other day for buttermilk.

The next summer come a year Col Whitley came to Nashville with a large company of men to go with Maj. Ore of East Tennessee and the volunteers around to go from Nashville to take the town of Nicojack where I had been a prisoner by the Cherokees six years before., Of course I went along altho the wound was still running in both sides and pieces of bone kept coming out for two years and at that time there was a hole clean thro. my shoulder. On that campaign a nephew of Col. Whitley gave me information of the judgment of Heaven on the very Indians that wounded me. . . .

I am now done with this narrative and as Mrs Fogg has favored me with one of her books if she will have the foregoing published in the history of Jo Brown as a second edition I will take a dozen or two of them if I am alive.

If the above cannot be published in a 2nd edition or by the Editor of the Banner of Peace or the Methodist Editor you will please return it to me by mail & oblige

Yours

JOS. BROWN.

SOME OLD PAPERS.

The two contracts which follow, the originals of which are in the collection of the Tennessee Historical Society, are interesting on account of their age, and as indicative of values in Tennessee at the time the contracts were drawn.

That between Mayfield and Campbell is in the clerkly handwriting of Andrew Ewing, with strokes and lines so delicate that a magnifying glass was used in copying the paper. Mayfield is stated by Putnam (p. 473) to have been an early settler of Middle Tennessee, who had been in many encounters with Indians; he was killed July 6, 1794, in his own field, and his body shockingly mutilated. His land was probably near Brentwood.

Of the parties to the first contract, Russell Bean was the first white person born in what is now Tennessee. His father founded Bean's Station, and was a commissioner of the Watauga settlement. Russell Bean was the most perfect specimen of manhood, and without an equal on the frontier for strength, activity, endurance, and courage. He was a mechanical genius, a gunsmith by trade, and made wonderfully perfect weapons with few tools. He made an overland journey to Connecticut, bringing back a supply of tools with which he established at Jonesborough a factory. He had built a flat-bottomed boat, in which alone he carried a cargo of rifles, pistols, dirks, etc., of his own manufacture, down the Nolachucky, the Tennessee, the Ohio, and the Mississippi, to New Orleans, where he remained two years, an active participant in the sports of that great city.

He was the same Russell Bean who defied arrest by the officers of a court, but yielded to Judge Andrew Jackson, who left the bench to make the arrest, with the remark, "I'll surrender to you, Mr. Devil." (See "Dropped Stitches in Tennessee History," p. 119.)

James King, at the time of this contract, owned and operated an old-fashioned pig iron charcoal furnace near where Beaver Creek enters Holston River. His son, Rev. James King, owned "King's Meadows," the site of Bristol, Tenn., and established

and endowed King's College there. He has many descendants in Tennessee, among whom are Mrs. J. R. Anderson, of Bristol, and Judge William King McAlister, of the Supreme bench.

State of Tennessee,
Sullivan County.

Memorandum of an agreement made and concluded upon the nineteenth day of June, anno domini, one thousand seven hundred and ninety eight Between James King on the one part and Russell Bean on the other part: Viz: Whereas it is contemplated by the said parties to make an adventure of Iron and Castings to the Natchez at the joint risk and expense of said parties, the said James King agrees to furnish the said Bean with Bar Iron and Castings for the aforesaid purpose and to pay an equal proportion of the expense attendant on the transportation of the said articles to the aforesaid place. And the said Bean on his part agrees to take charge of the same in their transportation to the said place and to make sale of the same for which when sold he agrees to pay the said James King as follows, to-wit: for the Bar Iron at the rate of Fifty Pounds Virginia currency per gross ton and for the castings four pence Virginia currency per pound with an addition of one shilling like money on each piece of ware weighing less than twenty two pounds and one half; usually denominated hand ware and after paying for the said articles as above mentioned to divide equally with the said James King the profits arising from the sale of said Bar Iron and Castings.

In witness of which agreement the said parties have hereunto set their hands at the Beaver Creek Iron Works the day and year first above written.

JAMES KING.
RUSSELL BEAN.

In presence of
Jos. Bunch (?)

Mero District.
Davidson County.

This memorandum of an agreement made and concluded between Isaac Mayfield of the one part and John Campbell Sr of the other part Witnesseth that in consideration that the said John Campbell Sr shall within three weeks from the present

date remove himself and family, to, and settle on the plantation with the said Isaac Mayfield whereon he lately lived thereby the better to enable the said Mayfield to remain at home by their mutual defence against the common Enemy. That the said Mayfield will assist said Campbell with all the force or help he can raise within himself towards erecting and finishing a good sufficient block house for said Campbell and his family to reside in for the term of two years or such longer time as they may afterwards agree on. That he will find said Campbell for the first year commencing the first of March ensuing nine acres of cleared lands inclosed and called the new field, free and clear of any rent or demand for the same, and that he shall have the whole of said field being ten acres for the second year either rent free or for six bushels per acre according as it shall be adjudged by good men living on the frontier in favour of either party by reason of the exigency of affairs in this country at that time. That if the said Campbell shall within the said two years clear and inclose in a good sufficient fence any quantity of land not exceeding five acres he shall have the use of the same four years rent free, and that if said Campbell shall die or remove himself from said Mayfields, after having cleared and inclosed the same that then he the said Mayfield will pay to said Campbell or his heirs Ten bushels per acre so cleared for each year that may then be remaining to him.

That said Campbell and Mayfield by mutually assisting each other shall inclose about one acre and a half about said Mayfield's houses which shall serve them in common for pasture for their horses, calves, sheep, &c. That said Campbell shall freely have and enjoy the benefit of water, and wood for firing; that he shall have one quarter of an acre of land from said Mayfield for the purpose of making a garden near the house, he giving said Mayfield as much in lieu thereof out of the aforesaid field. That said Campbell shall have the use and benefit of one of the stables already built for the purpose of keeping his horses therein. In witness whereof we have each of us hereunto set our hands and seals this 29th day of October 1792.

ISAAC MAYFIELD [Seal]

JOHN CAMPBELL [Seal]

Teste

Andrew Ewing

Saml Barton

ROUTE FROM KNOXVILLE TO NASHVILLE.

A paper owned by the Historical Society, and bearing no date, gives the following list of stopping places on the road from Knoxville to Nashville, and the intermediate distances.

The route is easily recognized; the Crab Orchard is a conspicuous land mark, formerly in Bledsoe, now in Cumberland county, and offered a gap for the passage of travelers across the mountains. When the writer saw it a few years since parts of the Crab Orchard mountain still showed an almost primeval forest. Daddy's Creek flows near its base.

The traveler thence bore north through the present Putnam or Overton, Jackson and Smith counties, to Sumner. Winchester's Mill was near the present Castalian Springs, in the last county. Kasper's Creek was, of course (Kasper) Mansker's Creek, now the dividing line between Davidson and Sumner; and the meeting house six miles from Nashville was unquestionably Parson Craighead's little Presbyterian church, which he established there soon after coming to Tennessee, in 1785, and which was also, for some years, the seat of Davidson Academy:

To Clinch River Glasgows ferry	15
to Poplar Creek	12
to Emory's River	10
to the Blue Spring	6
to foot of Cumberland Mountain	5
to the Crab Orchard	7
to Daddies' Creek	2
to Obie's River	9
to the flat rock branch	12
to the N. W. foot of the mountain	8
to roaring river	10
to the head of flin's creek	16
to Williams ferry on Cumberland	8
to Dixon's Spring	18
to Winchesters Mill	16
to Sumner Court House	11
to Kasper's creek	10
to the meeting house	6
to Nashville	6

ANDREW GREER'S AFFIDAVIT.

Another paper of great interest is the affidavit of Andrew Greer, an eye-witness to that celebrated and bloodless encounter between Andrew Jackson, then holding the Supreme Court at Knoxville, and John Sevier, Governor of the State. Much has been written of this incident, and it has always been difficult to understand how two men of such indisputable courage could meet, armed, use toward each other such insulting language, and part without bloodshed.

This is particularly the case in view of the fact that a passionate altercation between them had taken place on the streets of Knoxville a few days before, and Jackson had challenged Sevier (Parton, I., 234). It is almost unnecessary to say Parton's account of the incident differs radically from Greer's affidavit.

Andrew Greer was a man of some prominence, and had, in various ways, long been associated with Sevier; he was a member of the first court of Washington District, in February, 1778, and took the oath of his office with John Sevier, John Shelby, James Robertson, and others. He lived in that part of Washington which became Carter county, and is thought to have built the first water mill in that section. He, John Sevier, Wm. Cobb, and Thos. Houghton, were made commissioners of Washington county at the November term, 1780, "to be judges of the different kinds of paper emissions in circulation in this county, or may be hereafter, in order to prevent frauds and impositions that might be committed on said county and for the purpose of detecting and suppressing coins of this kind, who shall be judges and viewers of all such monies" (Dropped Stitches, pp. 23, 46).

State of Tennessee,

Knox County.

Personally appeared Andrew Greer of Carter County before me Josiah Nichol a Justice of the Peace for the county aforesaid and made oath: that on Saturday the 15th of this instant he started from Knoxville in company with his Excellency John Sevier and his son for to go to South West Point, that they reached the house of John Wood that night and the next morning started for the Point; that in the Hollow that leads down to Kingston as he this deponent and John Hunter was riding before the Governor and his son that they met Judge Jackson and Doctor Vandyke riding up the road armed with pistols;

that on meeting them Judge Jackson stoped and this deponent and him conversed together and that the Doctor rode on; that while the Judge and him were talking together he observed the Judge to suddenly cast his umbrella from him on the ground and draw one of his pistols, dismount and draw the other, and advanced up the road; that on this deponent's turning himself about he discovered the Governor off his horse with his pistols in his hands advancing down the road and that the Governor and Judge advanced in this manner until they came as this deponent thought within twenty steps of each other and stopt; that he this deponent being at the distance of twenty yards behind Jackson could not hear all the words that passed between. Distinctly but enough of it to convince him that it was abusive and that he heard the Governor damn him to fire away—that after some parley in this way each of their pistols were returned to their holsters again and by this time they had come near to this deponent and Judge Jackson swore that he would cane him (the Governor), and as Jackson advanced toward him the Governor drew his sword which frightened his horse and he ran away with the Governor's Pistols, and Judge Jackson immediately drew his pistol and advanced again, on which the Governor went behind a tree and damned Jackson, did he want to fire on a naked man, on which the Governor's son drew his pistol and advanced towards his father, Judge Jackson being then between him and his father and immediately Dr. Vandyke drew his pistol and advanced after the Governor's son—after some parley again in this manner the pistols was again returned to their holsters and they all mounted (the Governor's horse having been brought back) and rode down the road—that as they rode along this deponent riding nearly between them Judge Jackson damned the Governor for a coward to turn out up the Hill and for them to take it out on horseback and that the Governor returned him for answer that he (Jackson) knew that he would not fight him in the State was the reason that he had made it a point to send him so many challenges.

ANDW GREER.

Sworn to and subscribed
before me this 23rd day
of October 1803

J. Nichol

A DISTILLER'S LICENSE.

Whereas Robert Cartwright of the third division of the only survey, in the district of Tennessee possessor of a still numbered — of the capacity of — gallons, at this time erected in the county of Davidson in the third division of Tennessee and owned by the said Robert Cartwright of — in the county of Davidson — hath duly notified his election to pay the revenue, which may or shall accrue to the United States, in consequence of the working or employment of said still, upon every gallon of the capacity during one month in which he intends to work or employ the same, to commence on the 28th day of August 1797 and to end on the twentieth day of September 1797 for which term of time he has desired a license Now know ye, that I John Overton Supervisor of the District aforesaid do hereby license and permit the said Robert Cartwright to work and employ the said still, in distilling from materials of the growth or produce of the United States for the said term of one month as above defined at the rate of ten cents per gallon for what his said still may contain.

JOHN OVERTON,
Supervisor of the Revenue for the District of Tennessee.

 JULIUS SANDERS' BOND.

Know all men by these Presents that We, Julius Sanders, Russell Gower, & Thos. Fletcher —

Of ye County of Davidson in ye State of North Carolina are held and firmly bound unto his Excellency Alexander Martin Esq. Governor &c In and Over the said State In the Sum of One Hundred Pounds Current Money of ye Sd: State, To be paid to his Excellency aforesd. his Successors in Office or there Assigns To ye True Performance Of which Payment Well & Truly to be made and done: We bind Ourselves and every of us. Our And every of our heirs &c Jointly and Severally Firmly by these Presents. Witness Our hands & Seals this 6th day of July 1784. And in the Ninth year of the American Independence.

The CONDITION of this Obligation is Such that Whereas the Above bound Julius Sanders--hath Obtained Licence to

keep an Ordinary at Nashville — in the County of Davidson — If Therefore ye sd. Julius Sanders — do constantly keep. find and provide in his said Ordinary: Good Wholesome Diet for Travellers: and Stabling, Fodder, Hay, Corn, Oats, or Pasturage as the Season shall require for their horses: for and during ye Term of One Year: or to the Court of ye County next Succeeding between ye first day of March and the Tenth day of June from the date of these presents — And shall not permit any unlawfull gameing in his House: Nor on the Sabbath day Suffer any Person to Tipple or drink any more than is Necessary — Then this Obligation To be Void. Else to Remain in full force & Virtue in Law.

Test.—

his

JULIUS SANDERS [LS]

mark

RUSSELL GOWER [LS]

THOMAS FLETCHER [LS]

A FERRY CONTRACT.

Know all men by these presents that by virtue of Power and Authority to me given by the Trustees of the Academy of Davidson County I have leased unto John Boid of the Town of Nashville the Academy Ferry and Ferry Boat for the space of one year to commence either from the first of next February or the sixteenth day of this instant as he the sd. John Boid may determine upon in the course of the present year. For the consideration of his paying at the expiration of the Lease thirty pounds in Cash or in good inspected Leaf tobacco well prised and delivered in Hhds. at Nashville at the price current at the time of delivery; and for and in consideration of his giving bond and security to keep constant attendance at said ferry during the term of his lease and to deliver the Academy boat at the Academy ferry landing in as good order as he now receives her— if she should be in better condition when returned than when delivered He the said Boid is to be allowed the difference which is to be deducted from the rent.

And will warrant and defend to said Boid the sd. Ferry Landing and Ferry Boat to him and his heirs during the above term

against all Persons who may unlawfully claim them or either of them. Given under my hand at Nashville 17 March 1789

LARDNER CLARK [SEAL]

Teste

JAMES MAXWELL.

TEXT BOOKS.

The following list shows the text books in use in Davidson Academy in 1795:

Invoyce Sundry Books belonging to the Academy of Davidson county left in the care of Bennett Searcy Esq by Lardner Clark subject to the order of the Trustees of said academy viz:

- 1 Vol. Ferguson's Astronomy
- 3 Lexicons
- 2 Virgil Delphini
- 2 Vols Davidson's Virgil
- 1 Vol. Hutton's Logarithms
- 1 Vol Simson's Euclid
- 1 Vol Xenophon
- 1 Vol Harvey 2" Vol
- 2 Ciceros
- 1 Terence
- 2 Ovids
- 3 Nepos's
- 3 Sallusts
- 3 Lucious
- 7 Maire's Introduction
- 5 Greech Grammars
- 1 Dillworth's Assistant
- 2 Erasmus
- 1 Esop
- 3 — (Illegible.)

48 Volumes

Recd. April 11th 1795 the above forty eight volumes of Lardner Clark.

B. SEARCY.

AN ATTEMPT AT EXPANSION.

We publish some extracts from and notes on

"A journal of the proceedings of the commissioners appointed to hold treaties on the part of the United States, with the Chickasaw and Choctaw nations of Indians.

McClishes in the Chickasaw nation, six miles eastwardly from the old agency—this being the place appointed by the Chickasaw agent to hold the Chickasaw treaty.

"Sunday evening October 15th 1826.

Gen. Tho. Hinds and Genl Jno. Coffee arrived at this place where they met the Chickasaw agent Maj. Ben F. Smith and the contractor William Easton Esq. who had arrived before them. Genl. Hinds and Genl. Coffee the commissioners appointed William S. Fulton Secretary to the commissioners—who had been nominated and came on from Florence in Alabama for the purpose.

The agent informed the commissioners that he had very lately been advised that the chiefs of the nation had changed the place of meeting from the one they then occupied, to the National council House, distant about 12 miles, but that the agent was unwilling to remove, as the chiefs had first agreed to meet at McClishes, and in consequence of this agreement the place had been appointed for the purpose where the contractor had concentrated all the provisions for the commissioners and the rations for the Indians.

Monday morning 16th October.

The agent left the commissioners and went to the Council House to meet the Chiefs, and to endeavor to remove them to the place first appointed. In the evening he met a messenger to the commissioners informing them that the chiefs had not yet arrived at the Council House.

Tuesday morning, 17th October.

The old Chickasaw Chief Capt. Seely came to see the commissioners; they requested him to ride in company with their Secretary Wm. S. Fulton to the Council House, and see the agent and the chiefs, and to determine on the place for holding the Treaty. When they returned in the evening, they informed the commissioners that it had been determined that the Treaty would be held at the Council House.

Wednesday morning, 18th October.

This morning the commissioners paid their bill at McClishes, amounting to \$45, and ordered the contractor to remove their supplies and rations for the Indians to the Council House distant by the wagon way 15 miles. The commissioners remove themselves to Levi Kemp's one and a half miles from the Council House and lay all night.

Thursday morning 19th October.

The Commissioners pay their bill at Kemps, amount \$15.50 cts. and go to the Council House, the place finally fixed for the negotiations with the Chickasaws. But few of the Indians had come in. The chiefs present inform the commissioners that their people will be on the ground in a few days.

Friday morning 20th October.

The Indians come slowly in — supplies arrive, and rations issued to the Indians with back rations. The commissioners are engaged in making preparations for business.

Saturday morning 21st October.

Most of the chiefs have arrived. A prospect of commencing business in a day or two.

Sunday morning 22nd October.

The chiefs Tishamingo Pi-si-as-amsh-stub-ie, Capt. McGilvery, Capt. Seely and Levi Colbert and the King all present. All the secondary chiefs also present.

Pi-si-ah-amsh-stub-ie in very bad health, confined to his camp.

In the evening the chiefs informed the commissioners that in the morning the chief's headmen and warriors of the Chicasaw nation would convene in council and would when convened receive the first talk of their brothers the commissioners.

Monday morning 23d October.

At eleven o'clock the nation met in council. Present the King, Levi Colbert, Martin Colbert, J. McClish, Em mutlin and Ish-la-ma-tut-ka, Commissioners Tishomingo, Capt. McGilvery, Capt. Seely—absent Pishuanchstubie—the chiefs of the different districts also the head men and warriors of the Chicasaw nation.

The council then informed the commissioners that they were prepared to receive their talk. The commissioners accompanied by their secretary then went into the council, where they delivered the following talk, which was interpreted to the council by

Malcolm McGee, the interpreter appointed by the commissioners:

To the principal head men, chiefs and warriors of the Chickasaw nation.

Friends and Brothers. We have met you here in council, by order of our great Father, the President of the United States. Like a kind and good parent he is ever mindful of the best interests and true happiness of all his children. He has the same feeling of friendship for his red children that he has for his white children, and is always desirous of promoting alike the interest and the happiness of both.

By his long experience and sound judgment he knows what is best for all of us. When therefore he offers his advice and counsel he expects all his children to receive them, as coming from their father, their friend, and protector. He wishes all his children to prosper, increase, and be happy to the end of Time. In the same friendly spirit he expects them to consider well and in good faith to receive the talk he has sent them by their brothers the commissioners.

We will now proceed to state to you the talk of our Great Father the President. After you have taken time to reflect upon his proposals, as explained to you by his commissioners, you will give a candid and respectful answer to them. This he expects as due from affectionate and dutiful children to a kind and indulgent father.

You have been apprised of the object of holding this treaty. It is the policy and the interest of the Government to extinguish the Indian title to all lands on this side of the Mississippi. We must have a dense and strong population from the mouth to the head of this father of rivers. The security of our southern frontier requires this, and until it be accomplished the government cannot successfully defend the country, nor protect its citizens. All the southern tribes of Indians must be prepared to witness sooner or later this state of things. They are in progress and have been for many years, and it is useless for them to expect it will be otherwise. If, however, they should be opposed to this policy of our government, and prolong the time of its consummation by throwing obstacles in the way, they must be prepared to expect the speedy adoption of the only alternative which is left to the government to protect its citizens.

If the different tribes are permitted to hold these lands on this side the Mississippi, the laws of the United States must be extended to the Indian country and the Indians as well as the whites among them subjected to their operation. Which of these alternatives will our red brothers, the Chickasaws choose? Would it not be wise in them to embrace the present opportunity of placing themselves in a situation more advantageous and desirable than that which they at present occupy?

Your Father the President proposes to give his Chickasaw children a fine tract of country on the other side of the Mississippi river, of equal extent in exchange for their present lands. We know you are attached to the country of your birth, and the land in which the bones of your fathers are buried. But if the United States offer you one of equal or greater advantages, and are willing to pay you liberally for your improvements, would not the nation best consult its real interest by making the exchange? By removing to that country you will be freed from the intrusions and the interruptions of your white brethren. You will then be enabled to live in peace and quietness, nor will you ever be asked for any portion of the lands which will be given to you. The Government will guarantee to you and your children forever the possession of your country; and will protect and defend you against all your enemies. Your Father the President will also in addition to what has already been promised defray all expenses of removing you to the country on the west side of the Mississippi, and furnish you with all things necessary for your comfort and convenience, should you think it to your interest to accept his liberal offer.

We, your brothers, know that many of the Indian tribes have often resolved to sell no more of their lands, but have you not as often noticed, that those very tribes have been compelled to relinquish that determination from the force of surrounding circumstances? They have been obliged from the rapidly increasing number of their white brethren to yield to the pressing solicitations of their father the President, who was constrained to ask them for more of their lands. In this way their limits have been greatly reduced and their nation almost annihilated. These things are well known to the most of you, and this will at some future period be your own situation unless you should avoid it by accepting the offer which is now made for you by our Father

the President. The lands which are promised you are rich, well watered, and abounding with game of all descriptions. If you think it will ever be your interest to exchange your country for lands on the other side of the Mississippi you ought not to let the present opportunity slip. By acceding to the wishes of the U. States at this time you will be able to make a better selection than at any future period. When once our red Brethren shall all be united together on the other side of the Mississippi, it will be more fully in the power of our Government to administer to their wants and necessities, and to protect and defend them against their enemies.

We the commissioners of our common parent the President, are particularly anxious that you his Chickasaw children shall seriously reflect upon this subject and give to it that attention which its importance so much merits. Until then we shall forbear entering into particulars; resting satisfied in again assuring you that the Government of the United States is most liberally disposed toward you, and will pledge to you its faith most rigidly to adhere to all the engagements which it may make with you.

(Signed)

THO. HINDS,
JNO. COFFEE.

A copy of this talk was handed to the headmen of the council who requested until the next day to return their answer. The council adjourned.

Tuesday 24th October 1826.

At eleven o'clock the council again met. The commissioners being notified attended accordingly, when Mr. Martin Colbert, on behalf of the Chickasaw nation, read the following answer to the talk of the commissioners:

To our beloved brothers and commissioners of the United States:

We have received the talk of our father the President by the hands of our brothers the commissioners, on the part of the United States. We find it is the wish of our father to exchange land with us lying on the west side of the Mississippi, which we are very sorry to hear, as we have never had a thought of exchanging our land for any other, as we think we would not find a country that would suit us as well as this that we now occupy, it being the land of our forefathers, if you should ex-

change our lands for any other, fearing the consequences may be similar to transplanting an old tree, which would wither and die away, and we are fearful we would come to the same. We want you our brethren to take our talk. We have no land to exchange for any other. We wish our father to extend his protection to us here, as he proposes to do on the west of the Mississippi as we apprehend we would in a few years experience the same difficulties in any other section of country that might be suitable to us west of the Mississippi.

Friends and brothers, we know that our white brothers are crowding on us daily, which we know is not just. We further consider that there is a number of nations west of the Mississippi River that have been enemies to us as well as to our white brothers. It would be as much impossible to unite us with them as it would to unite oil and water, and we have every reason to believe that those tribes that have left their country are not well satisfied, and if that should be the case, we are fearful those tribes will take satisfaction of us, for past injuries done by us as well as our white brothers. We are a small tribe and not able to defend our rights in any country.

Our father the President we know his sound judgment is calculated to choose for us his ignorant children likely to choose the worst of two evils.

Our father the President wishes that we should come under the laws of the United States. We are a people that are not enlightened, and we cannot consent to be under your Government. If we should consent we should be likened unto young corn a-growing and met with a drought that would kill it all. We hope our brothers the commissioners will take our situation under serious consideration. They know we are not qualified to become citizens of the United States, as we are ignorant of the purpose of law.

(Signed)

LEVI COLBERT,
EM-MUBBY,
ISH-TA-MA-TUT-KA,
J. McLISH,
M. COLBERT.

The answer was handed to the commissioners, and the council was addressed by Genl. Hinds, who proposed to give them

another talk on the next day. He expressed the disappointment felt by the commissioners at the manner in which the talk of the President had been received by his red brothers. They had not returned such an answer as their father the President had a right to expect from his Chickasaw children. They informed the council that all communications which are made will be given in writing and copies forwarded to their father the President for his consideration. It was agreed on the part of the nation to submit their communications in writing. The council then adjourned.

Wednesday 25th Oct.

The council met agreeably to adjournment and the commissioners being notified that the council was ready to receive their communication they went into council, when the following talk was delivered to them by the commissioners and interpreted to the council by Malcolm McGee.

Friends and Brothers,

The commissioners of our father the President have received the answer of his Chickasaw children. The commissioners herewith send you a talk of our late father, President Monroe, to the Congress of the United States. This talk will prove to you that measures have been for some time in progress by which all our Indian brethren will ultimately be removed from this to the other side of the Mississippi river. You will also see that this plan of the Government is not new nor hastily adopted. It is the result of mature deliberation, and will not be relinquished until it is finally accomplished.

Th objections of our red brethren to the policy of our Government cannot prevent it. Already have your neighbors and relatives the Creeks Cherokees and Chocktaws secured themselves a country beyond the Mississippi, where their names and their nations may be preserved. Would it not be wise in you to follow their example, whilst yet it is in your power, and before it is too late to do so with advantage? You will then be, as you are now, their neighbors and friends. Having a common interest, you would be able to make common cause, and mutually defend each other against all your enemies. In addition to this, for your protection, you will have the faith of the Government of the United States pledged to you by the sacred seal of a treaty. We are also bound by every feeling of brotherhood

and a common interest to secure you against the encroachments of our white brothers, and to defend against yours and our enemies. Are you willing to sit down in delusive security, and see your nation gradually diminish and your people dwindle away, until the very name and language of a Chickasaw is forever lost?

Your father the President is persuaded that this will be your fate unless you join your red brothers on the west of the Mississippi. His wisdom and foresight together with his ability and disposition to protect you will enable you to guard against it if you will like dutiful children receive his talk. Here you have a country greatly too large for you if you intend to depend upon the earth for a support and entirely too small if you intend to depend upon game for support.

If you wish to remain here and be civilized you must contract your limits and you must apply to the ground for support. When your people who are now scattered over a wide surface and far separated from each other shall be brought together, and compelled to live near to one another the march of civilization will then be rapid, industry will spread its blessings over your land, your population will increase and you will speedily arrive at that state of improvement which your father the President so much desires. So soon as this is accomplished his red children will be entitled to all the civil and political rights of his white children. You say that to remove would be like transplanting an old tree which would wither and die.

The trees of the forest and particularly the most useless are most difficult to transplant but fruit trees which are more particularly designed by the Great Spirit for the nourishment and comfort of man require not only to be transplanted but nourished and cultivated and even pruned to bring forth good fruit. You say you are attached to the land of your fathers—this is right and natural. But how seldom does it fall to the lot of your white brothers to leave their bones in the land of their fathers? We may repine at it and regret it but such is the ever changing condition of our people that all of them submit to their lot.

A wise man will cheerfully submit when he is convinced that the change although disagreeable to him is for the benefit of his country and his children.

You say you are a small nation and by removing you will be

more exposed to your enemies. From all dangers from this quarter the United States will be bound to protect you.

The strong arm of our Government will protect all the tribes on the west side of the Mississippi and keep them at peace with one another. It has protected all the Indians who have removed, and will feel doubly bound to protect the Chickasaws "who have never shed the blood of a white man."

But should you still be opposed to exchanging your land here for a country west of the Mississippi your father the President has directed his commissioners to say that the interest of his white children makes it his duty to call upon you to sell him a part of your land.

His white children never will be satisfied until they have a communication through their own settlements between the city of New Orleans and the State of Tennessee. In the late war when the British invaded Louisiana our white brothers of New Orleans and of Natchez were compelled to call upon their brothers in Tennessee and Kentucky to defend them.

The distance was so great that the country of the Mississippi was for a long time left exposed. Our towns would have been burned, our property plundered and our country lost but for timely and miraculous relief by our brothers from Tennessee and Kentucky.

This state of things must not occur again. The wide country between Mississippi and Tennessee must be settled. We must have men near at hand to defend our seaports and our Southern white brothers.

You have more land than you can use. Your white brethren have to protect their own and the country of their red brothers.

They defray the expenses of the Government in peace and feed and support their armies in war. The only advantage the Government derives from its red children is to get occasionally some of their lands at a fair and reasonable price. By refusing to sell us lands you withhold the only means in your power of contributing to the support and prosperity of the Government of the United States. Should you obstinately persist in this your father the President will be compelled to do that which you ought most willingly and of your own accord to do. You must see the necessity of selling a part of your lands so as to enable us to connect our lower and upper countries. If our Choctaw

brothers will act toward the Government with that liberality which we have a right to expect we will be enabled with what we calculate on getting from you to accomplish this most desirable object.

Your father the President says you must sell to your white brothers that part of your land which you can most conveniently spare and which their necessities compel them to have. It is not proposed to take any part of your country without giving you ample compensation. Your father the President would not defraud you and the commissioners would scorn to take advantage of either your weakness or your necessities.

They are resolved to deal fairly and honorably with you and pay a full and liberal value for your lands in money for the benefit of the whole nation; and in addition will give reservations with good title and of reasonable sized tracts to such of the natives as live on that portion of the land which may be ceded to the United States. To attain the objects of your father the President it is proposed that you will sell us a part of your country on the Tombigby river and its waters and to adjoin Monroe County—of size sufficient to form a federal district and to be bounded by such lines as your brothers and your chiefs and head men may agree on.

(Signed)

THOS. HINDS.

JNO. COFFEE."

After this "talk" was read to the Council Genl. Coffee made an address emphasizing the reasons for a sale or removal. The next day was spent by the Indians in consultation among themselves and on the 27th they submitted their answer in writing which was substantially a repetition of the reasons given in their first communication against either selling their land or exchanging for territory west of the Mississippi.

These answers are a queer combination of submissive humility to the wish of the President, and an unalterable determination not to give up the country of their fathers. They meet the arguments of the commissioners squarely and repeat many times that they will not remove but say they are entirely in the hands of the President, who alone can protect them.

On the 28th, after another address, Coffee took a step from which he evidently expected a sensation and material results.

He submitted a statement from Walter Bunch that he had heard threats made against the life of any chief who advocated submission to the plan of the commissioners, and claimed the Indians were being intimidated.

This announcement was without effect, and the commissioners made a proposition in new language differing from the first only in some minor details, and in offering to pay for their houses, their stock lost or injured in transit to the new territory if they moved, the expenses and per diem of a party who would first visit and examine the country offered them, and finally "a large sum in money by annuities." This was also refused by the Indians. Then a new commissioner for the Government, Gen. Wm. Clark, appeared on the scene, and made an address to the council, at the conclusion of which Levi Colbert for the Indians announced that there was not a man in the nation who would consent to the sale of either the whole or a part of their country.

The following communication terminated the negotiations:

"Friends and Brothers:

"We have layd before the Council this evening the talks of the Commissioners and have come to this determination as we have no wish to exchange our lands here for any other we think it unnecessary to run our Father the President to any further expense; therefore we have to refuse your propositions.

"If we was to accede to the offers made us in exploring that section of the country west of the Mississippi it would incur great expense for no effect as we are entirely opposed to changing countries. We are happy to see our brother the Commissioner William Clarke and are thankful for his counsel. If we had any idea of exchanging our lands with the government we should be happy in receiving his information of the situation of that country.

"As this appears to be the last talk that we have to swap together at this time we wish to tell our brothers the commissioners that as we met them like brothers we hope to part in the same kind of spirit.

(Signed)

LEVI COLBERT.
EMMUBBY,
ISHTEMALETKA,
J. McCLISH,
MARTIN COLBERT."

FIRST LANDOWNERS IN JONESBOROUGH.

The Historical Society's collection contains the following paper, which was presented by Dr. Ramsay, its former president:

"Copy of the original list of lots, formerly in the possession of Jesse Walton; those that appear marked paid he has made oath are all he has received pay for, at the rate of 75 dollars each lot."

A memorandum on the same sheet to this effect:

"Contra per credit February 1781 Paid to John Gilliland 1115 dollars in part for his services in laying out the town of Jonesborough:

Robert Sevier 1 lot pd. not drawn.

Major Reynolds 3 pd. Nos. 41, 7, 70

David Huse 2

Nathl. Evans 1 pd No 68

Martin Maney 4 No 71, 62, 53, 36

Jas. Allison 8 No 45, 66, 52, 37, 16, 64, 18, 31

Peter McClune 2 No 40, 9

John Allison 2 No 54, 55

Jesse Bounds 2 pd No 38, 58

Capt. Stephen Cole 2 pd No 69, 57

Capt. Chas. Holliway 2 pd No 50, 27

Since sold to Jesse Walton, now sold to Christopher Taylor May 2, 1785

Wm Noddy 1 pd No 10

Jas Ray 1 pd No 34

Richard Minton 2 pd No 2, 33

Col. Andrew Belford 4 No 47, 25, 61, 67

Jas Rease 4 No 65, 26, 1, 35

Spruce McCoy 2 No 19, 32

John Yancy 1 No 56

John Woods 2 No 42, 51

James Lackey 2 No 28, 17

John Gilliland 2 No 59, 46

James Stuart 10, No 48, 15, 39, 20, 72, 11, 12, 4, 43, 8

Jesse Walton 9 No 44, 13, 3, 49, 23, 24, 5, 6, 63, 14

SKETCH OF HENRY RUTHERFORD.

[Read before the Tennessee Historical Society by Hon. P. T. Glass.]

Henry Rutherford was born in Rowan County, North Carolina, August 17, 1762, and was the second son of Genl. Griffith Rutherford, of that State.

The latter was a distinguished actor in the struggle for American independence, being identified with the earliest movements in that direction. He was one of the band of Regulators organized to suppress toryism in his part of the State under the guidance of Hermann Husbands. He was sent to the first assemblage of patriots at Newbern, in 1775, to protest against British oppression, and to the Continental Congress at Halifax in August, 1776. By this congress he was made a brigadier-general, and served throughout the struggle. He was also a member of the convention that framed the State constitution in 1776, as well as a member of the committee of safety. Among the military achievements of Gen'l Rutherford not the least was his march across the mountains for the purpose of chastising the "over hill" Cherokees for depredations on the frontier settlers. In this campaign he advanced as far as their middle towns near the present city of Chattanooga, driving the Indians from their villages on the Little Tennessee, destroying their houses and crops, and driving away their cattle.

The route of his march was long known as Rutherford's Trace. He commanded a brigade in the ill-fated battle of Camden, was taken prisoner and sent to St. Augustine, Florida. As a reward for his patriotism and courage, North Carolina and Tennessee have each preserved his name in one of their counties, and his native State further honored and rewarded him by the gift of a warrant for five thousand acres of land. This warrant was first "located" on a part of the 25,000-acre grant to Gen'l Nathaniel Greene, in the present county of Maury, Tennessee.

A lawsuit, growing out of the double location of warrants, was finally decided by the United States Supreme Court in favor of the heirs of Gen'l Greene

The Legislature, at a subsequent session, authorized the heirs of Gen'l Rutherford to lift the warrant and locate it elsewhere. Gen'l Rutherford was appointed by the President one of the legislative counselors for the territory south of the Ohio, and was elected president of that body August 26, 1794; this territory two years later becoming the State of Tennessee.

Gen. Rutherford removed many years afterward to Williamson County, Tennessee, and settled on Little Harpeth, where he lived until his death, about 1810. His wife was Elizabeth, daughter of Governor Graham, of North Carolina.

Henry Rutherford inherited a good constitution and the thrifty habits of his Scotch-Irish ancestry, and was gifted with great decision of character and indomitable energy. He was educated at such schools as the country then afforded, and was taught the art of surveying, which he pursued, in connection with farming, for a livelihood all his life. He was a resident of what became Tennessee when the act was passed—October, 1783—creating the Armstrong land office, which was established at Hillsboro; and land warrants issued to officers and privates of the Revolutionary Army could be registered there and located upon lands in Middle or Western Tennessee. Henry Rutherford, E. Harris, and James Robertson were appointed deputy surveyors, and with Almer Bush and W. Bush as guides and hunters, and six chain bearers, came in June, 1785, to the French Lick, the future site of Nashville. Finding that much of the best land was appropriated, they set out for the west end of the State, then claimed by the Chickasaws. They descended the Cumberland in canoes, proceeding cautiously for fear of Indians, examining the country as far as practicable with the view of future locations. There was at the time a new settlement near the present site of Clarksville, though the Cherokees were claiming the country, and constantly roaming over it, as were the Chickasaws, the Shawnees, called the roving band, having been driven out.

Old Fort Massac had been built below the mouth of the Tennessee, on the north side of the Ohio. The Spanish also had a trading post at New Madrid, prior to that time occupied by the French, and called by them *Lauce de Grace*. Notwithstanding the occupation by Indians of the country traversed by Rutherford and his party, they were not molested. They descended the Ohio

and Mississippi to the mouth of a small stream emptying into it, which the Indians called Okeena. The killing of a deer here suggested the name Forked Deer. The party separated here, Rutherford with two chain carriers, Amos and Alexander Moore, with Almer and W. Bush went up this stream, while Harris and Robertson and four chain carriers went down the Mississippi and began locating on the Coosa Hatchie River, and later on the Obion. The two parties must have rejoined each other in the neighborhood of the latter, as they frequently exchanged chain carriers, as their field notes show.

Rutherford made his way up stream some nine miles, named a lake there Boyd's Lake, which afterward was called Clear Lake, for Adam Boyd, for whom he made the first survey August 30, 1785. Dissatisfied with the character of the land, which was all either subject to overflow or much broken, he went up the stream to the first bluff, and near the mouth of a spring branch, on September 1st. he made the beginning corner of his connected surveys on the Forked Deer River.

It is claimed that the name given this stream originated in this way: That some member of the party killed, near their camp on its banks, a large buck with horns of a peculiar shape; and it was decided to call the river Forked Deer, and it was so referred to in Rutherford's surveys. Here the beginning point, known as the "Key Corner," was marked on a leaning sycamore standing on the south bank of the river, on which he cut the letters H. R., and a large key, to indicate it as the key to all his Forked Deer surveys. This was the beginning corner of four of his locations; the first of 3,000 acres in the name of Griffith Rutherford, his father; the second of 5,000 acres for Benjamin Smith; the third for Benjamin Smith, of 5,000 acres; and the fourth for Martin Armstrong, of 5,000 acres.

During Rutherford's first visit to West Tennessee he located there more than three hundred and sixty-five thousand acres of land, of which thirteen thousand five hundred were for himself, six thousand for his father, and five thousand for his brother John. He located besides numerous warrants for the Blounts, John Carter, Henry Clark, John Estes, E. Harris, W. Hughlett, George Doherty, and many others.

Rutherford began his surveys at the key corner more than a year prior to the John Rice location below the mouth of Wolf

River, that being made by Isaac Roberts December 1st, 1786. Rutherford's surveys were made on the waters of the Forked Deer, Obion, and Mississippi rivers, and Reelfoot Creek; many on the spot that is now Reelfoot Lake. None of the large lakes in the Mississippi bottom, in West Tennessee, then existed, and were formed in 1811 by earthquakes.

Rutherford's Fork of Obion, on which he made many surveys, he named for himself. He spent three months in locating lands in the latter part of 1785. His father represented Rowan County in the Legislature of North Carolina in 1786, and soon afterward removed with Henry to Harpeth River. Henry resided there until West Tennessee was opened for settlement by a treaty with the Chickasaws, October 18, 1818. In 1819 Henry Rutherford, in company with his brothers, John and Griffith, and a Mr. Crenshaw and their families, descended the Cumberland from Nashville, in scows or flat boats, and began to build houses and clear their lands.

Henry Rutherford settled some three miles east of Key Corner, on one of the tracts he had entered in his own name, in 1785. The Baptist Church near Double Bridges was built on this tract, on land given by him. The church is called Elon, and was at first used by all the orthodox denominations, and as a school-house.

On his first visit to locate his warrants, Rutherford soon exhausted his provisions, and then his supply of salt, and having reached the forks of the river, he abandoned his canoe and depended for subsistence upon the gun. His half-breed was a good woodsman and guide, while W. Bush, his hunter, furnished the party with elk, bear, deer, and turkey. His surveys were made according to the cardinal points; he was not only a good surveyor, but did his work rapidly. He had a remarkable memory, being able in many instances to name the trees on which corners had been made thirty or forty years afterward, and to go to the places and identify them.

The pea vine was at the time of his first visit so rank that persons walking through it and dragging a chain left a conspicuous trail, and it was Rutherford's practice, for fear of being ambushed, to move a half mile from his line at night. He saw no Indians while in West Tennessee, and in fact not until he reached the Tennessee River on his way to Nashville. Rutherford pos-

sessed superior business qualities; he was of generous impulses, was ardent in his friendships, and always trustworthy. He inherited slaves from his father, but was too indulgent to make them a source of much income; most of them were taught to read. He did not realize much from his large landed estate, much of it being sold at low prices. Much of his time was given to the public, in aiding new-comers and others in finding their lands and tracing the lines. He was often summoned to testify as to land titles, and to make resurveys to be used in litigation. Heavy drafts were made on his hospitality by strangers who visited the country in quest of homes. As he kept open house, declining to accept payment for the entertainment of travelers, he not only did not become rich, but died poorer than at the time of his settlement. Notwithstanding he was brave, and of much experience in the forest, he was on one occasion frightened out of his senses. While making a survey in what is now Maury County, he declared he heard Indians, and leaving his camp started in the dark for Nashville. He took a southern direction, and soon reaching Duck River declared it had sprung up during the night, and was not there the previous day. It was with great difficulty that his comrades, who had followed him, convinced him that the stream was in its proper place, and that there were no Indians near the camp.

Henry Rutherford contributed in great degree to the up-building and development of the State. He was a broad-minded man, who gave encouragement and pecuniary aid to all public and charitable causes. After a long and useful career, devoted particularly to the settlement of the Western District, he died May 20, 1847, at the age of eighty-five, and was buried at Elon Church Cemetery.

TO CORRECT SOME HISTORIC ERRORS.

BY THE LATE E. D. HICKS (1872).

I conceive it to be the duty of the Tennessee Historical Society to correct as far as possible errors which have found their way into the different histories of the State, and this paper is not written in a spirit of captious fault-finding, but as nearly as possible to arrive at facts.

I shall quote from Gilbert Imlay's *Topographical Description of the Western Territory of North America*, first published in London, in 1792. Imlay was evidently a scholar, and his book must have attracted much attention, for in that early day a third edition, with additions, was published in 1797. It contains an autobiography of Daniel Boon, written in 1784. As to Boon, Francis Baily, subsequently President of the Royal Astronomical Society of Great Britain, says, that descending the Ohio River he met Boon on April 9, 1797, and having a copy of Imlay with him, he read to Boon the autobiography, and Boon said it was correct (*Baily's Journal*). Imlay's book seems to have been unknown to Haywood, Ramsey, or Putnam, although it is evidently the earliest book of any note describing this western country; their quotations from it seem to have been taken at secondhand from Monette and Butler. Without entering into the details of Boon's various adventures, I only make extracts sufficient to fix dates. Boon says:

"On the first of May, 1769, I resigned my domestic happiness for a time (Boon evidently intimates by this that he was not in the habit of leaving home), and left my home on the Yadkin in quest of the country of Kentucky, in company with John Finley and others. On the 7th of June following, we found ourselves on Red River, where John Finley had previously been, and from the top of an eminence saw the beautiful level of Kentucky."

The Red River referred to by Boon is undoubtedly the branch of the Kentucky River, but the Clinch was called Red River. See Imlay, pages 118 and 494, where it is referred to as a branch of

the Cuttawa in one place and Cherokee in the other, both of which are original names of the Tennessee, as Ouasioto (the French Ou for W), or Wasioto, was the original name for Cumberland river and mountains.

Boon describes his adventures in Kentucky, where he remained, part of the time alone, until some time after March, 1771, when he returned to his family on Yadkin determined to remove them to Kentucky, which he considered "a second paradise." Boon makes no mention of leaving home, and from the tenor of his narrative remained on the Yadkin, until, as he says, "I sold my farm on the Yadkin, and such goods as we could not carry with us. I left the Yadkin 25th September, 1773, and proceeded on our journey to Kentucky with 5 families more and 40 men that joined us in Powel's Valley. We had passed over two mountains, Powel's and Walden's, and were approaching Cumberland Mountain, when on 10th October, 1773, we were attacked by Indians who killed 6 and wounded 1 man. We repulsed the enemy, but were so discouraged that we retreated 40 miles to the settlement on Clinch River." "I remained with my family on Clinch until June 6th, 1774, when I and one Michael Stoner were solicited by Gov. Dunmore, of Virginia, to go to the Falls of the Ohio. This we did, completing the tour of 800 miles, under many difficulties, in 62 days. Soon after I returned home I was ordered to take command of three garrisons during the war that Gov. Dunmore carried on against the Shawanese Indians, after the conclusion of which and I, being relieved of my post, was solicited by some North Carolina gentlemen, who were about purchasing the lands lying on the south side of Kentucky River from the Cherokee Indians, to attend their treaty at Watauga in March, 1775, to negotiate with them and mention the boundaries of the purchase. This I accepted." This was the Henderson purchase, and this is the first that Boon has to say in regard to Henderson. Within a few months from this time Boon had built the fort at Boonsboro, and removed his family to Kentucky. From these dates given by Boon it is certain that from June 1769, to April, 1771, he was in Kentucky. He then returned to the Yadkin; there is no evidence from his narrative that from this time until 25th September, 1773, that he ever left the Yadkin. All the probabilities are that he remained there, having no business on Watauga, his intention being to settle in Kentucky.

Ramsey, followed by Putnam, tells the story of the beech tree in the valley of the Watauga with the inscription of "D. Boon cilled a bar on tree in the year 1760" as sufficient authority to date the arrival of Boon in Tennessee in 1760. Ninety years is a very, very long time for an inscription to remain legible on a beech tree, and when I hear of one of our highland terrapins being found with John Smith neatly engraved on his shell, and dated 1750, I do not believe that the terrapin and 1750 have anything in common. That the inscription is on the tree is probably true, but that D. Boon put it there is too doubtful to be believed. Haywood and Ramsey bring Boon to Abingdon, Va., in 1761. Haywood and Ramsey put him in Kentucky in 1764 at the Crab Orchard, as Haywood says, in the employ of Henderson & Co., to be informed in the geography, and to use Haywood's quaint word *locography* of the country. It seems a little strange that Boon should have said nothing in his narrative about all of these trips, and that Henderson had a company formed for more than ten years with Boon in his pay in the then unsettled condition of the country. Both Haywood and Putnam have Boon on Watauga in 1770, when his own narrative says he was in Kentucky. Putnam has him in Kentucky 1769 and 1770 examining lands for Henderson & Co. Boon says nothing of all this, but says he "hunted with success." If sent to examine lands, he would not have taken two years to do it, but would have made his examination and gone back to report. Putnam has Boon on Watauga in 1771, not with intention to remain, but "bent on seeing regions beyond." Boon says in 1771 he returned to the Yadkin, and says nothing about a conference with Robertson which related to the formation of the Watauga compact, with which Putnam credits him. Strange that Haywood, after having Henderson's Co. formed as early as 1764, should state that the failure of Robertson's Co. to make a purchase in 1772 eventuated in the formation of a company by Henderson, who actually made a purchase in 1774 and 1775.

Boon never says a word about Henderson, but at the close of Lord Dunmore's war, in the latter part of 1774 or beginning of 1775, says he was solicited by some North Carolina gentlemen to attend a treaty, negotiate and mention the boundaries of the purchase. I seriously doubt if Boon had ever any connection with Henderson until the treaty of March, 1775, for it is shown

by his narrative that he was on his way to make a settlement in Kentucky when he was attacked October 10th, 1773, nearly two years previous, and retreated, as he says, to the Clinch, as Putnam says to the Watauga and Holston settlements.

Putnam says that Andrew Jackson was appointed Judge of the Superior Court of Law and Equity, the first session of which was to be held in Davidson County, May, 1784, and declined, without ever pausing to think that Jackson was born in 1767, and was then just 17 years old, and a rather rude boy. How or where he got such an idea I cannot conceive. The facts are that the act establishing the court was passed at the session beginning November 19th and ending 29th December, 1785, and the court was to be held May, 1786. Haywood says: "They appointed a young man of the age of twenty-four years to be judge of this court, who, upon mature reflection, becoming fearful that his small experience and stock of legal acquirements were inadequate to the performance of those great duties which the office devolved upon him, chose rather to resign than to risk the injustice to suitors, which others of better qualifications might certainly avoid." Judge Haywood is evidently modestly speaking of himself. He was just 24 years old, having been born 16th March, 1762. (I know that it is casually stated in the biography of Haywood, prefixed to the reprint of his Civil History of Tennessee, that he was born in 1753; but an elaborate sketch of his life given in Southwestern Law Journal and Reporter, June, 1844, gives the date as I have, and states that he died 22d December, 1826, in his 64th year.) Had Jackson been the appointee and declined for the reasons given, Haywood would certainly had no reasons for not giving his name, for the action was certainly honorable.

Haywood, Ramsey and Putnam all state that Edwin Hickman, for whom Hickman County was named, was killed in 1785 on Piney River. There is in the collection of this society a sketch giving the details of the expedition which went to bury Hickman, as narrated by Capt. John Davis, who was one of the party. Capt. Davis came to Nashville in 1788, and as he helped bury him, his death could not have been earlier than this date. Capt. Davis states that it occurred in 1791, and pointed out to me the place where it occurred, not on Piney, but on Defeated Creek of Duck River. The records show that Hickman was appointed one of the magistrates of Davidson County in 1791.

Mr. Putnam states that John Sevier was appointed *Major* General for the District of Washington, and Jas. Robertson for the District of Mero. This is an error. Gov. Blount, as Territorial Governor, had authority to appoint all field officers of the militia, but not the general officers. He recommended to the President Sevier and Robertson in 1790, and their commissions were issued in 1791 as *Brigadier* Generals. Robertson signed the order for the Nickajack campaign in 1794 as Brig. Gen'l, resigned as Brig. Gen'l in 1795, and in 1796 the Tennessee Legislature elected Jas. Winchester Brig. Gen'l to succeed him. Robertson was censured by the Secretary of War for ordering the Nickajack campaign, and this censure, in fact, was the cause of his resignation. The congress of the United States, however, had a more correct idea of Robertson's wisdom and patriotism, for in 1798, in the face of an adverse and decidedly hostile report from the then Secretary of War, congress ordered that the soldiers engaged in the Nickajack campaign should be paid.

I find another curious error in the Chronological Table in Official Manual of Tennessee. Under the date of 1790 "John Donelson was appointed Major General of the United States army by President Washington." As a matter of Tennessee history this could only refer to Col. John Donelson, the ancestor of the Tennessee family of that name, for his son, John Donelson, Jr., was a young man, and as late as 1792 was only captain or possibly major in the militia of Mero District. Col. John Donelson, if alive, would have been, in 1790, an old man over seventy years of age, but unfortunately for the truth of this bit of history, he had been killed in January, 1786, on his return from Virginia and Kentucky to join his family in Tennessee.

THE EARTHQUAKES OF 1811.

The statement by Mr. Glass, in his sketch of Henry Rutherford, that Reelfoot, and possibly other lakes in West Tennessee, were formed by the earthquakes of 1811, has suggested the reproduction of a letter addressed to Rev. Lorenzo Dow, by a lady living in the town which most seriously felt the effects of the shock:

New Madrid

Territory of Missouri

March 22 1816

Dear Sir

On the 16th of December 1811 about 2 oc. am. we were visited by a violent shock of earthquake accompanied by a very awful noise resembling loud but distant thunder but hoarse and vibrating followed by complete saturation of the atmosphere with sulphurous vapor causing total darkness. The screams of the inhabitants, the cries of fowls and beasts of every species, the falling trees and the roaring of the Mississippi, the current of which was retrograde for a few minutes owing as is supposed to an eruption in its bed, formed a scene truly horrible..

From that time until about sunrise a number of lighter shocks occurred at which time one more violent than the first took place with the same accompaniments.

There were several shocks in a day but lighter than those mentioned until the 23rd of January 1812 when one occurred as violent as the severest of the former ones accompanied by the same phenomena.

From this time until the 4th of February the earth was in continual agitation visibly waving as a gentle sea. On that day there was another shock nearly as hard as the preceding ones; next day four such and on the 7th at about 4 o.c. a.m. a

concussion took place so much more violent than those preceding it that it is denominated the "hard shock."

The Mississippi first seemed to recede from its banks and its waters gathered up like a mountain leaving for a moment many boats which were here on their way to New Orleans on the bare sand in which time the poor sailors made their escape from them. Then rising fifteen or twenty feet perpendicularly and expanding as it were at the same time, the banks were overflowed with a retrograde current rapid as a torrent; the boats which before had been left on the sand were now torn from their moorings and suddenly driven up a little creek at the mouth of which they had laid, to a distance in some instances of nearly a quarter of a mile.

The river falling immediately as rapidly as it had risen receded within its banks with such violence that it took with it whole groves of young cotton wood trees which had ledged its borders. They were broken off with such regularity in some instances that persons who had not witnessed the fact could be with difficulty persuaded that it had not been the work of art. The river was literally covered with the wrecks of boats.

The surface of the earth was from time to time by these hard shocks covered to various depths by the sand which issued from fissures which were made in great numbers all over this country, some of which closed up immediately after they had vomited forth their sand and water which was the matter generally thrown up. In some places however a substance resembling coal or impure stone coal was thrown up with the sand. It is impossible to say what the depth of the fissures was; we have reason to believe that some of them were very deep. The site of this town was evidently settled down at least fifteen feet, and not more than half a mile below the town there does not appear to be any alteration of the bank of the river; back from the river large ponds or lakes which covered a large part of the country were nearly dried up. The beds of some of them are elevated above their former banks several feet producing an alteration from their original state of ten to twenty feet, and lately it has been discovered that a lake was formed on the

opposite side of the Mississippi in the Indian country upwards of one hundred miles in length and from one to six miles in width of the depth of from ten to fifty feet.

It has communication at both ends with the Mississippi and it has been conjectured that it will not be many years before the principal part if not the whole of the river will pass that way. We were constrained by the fear of our houses falling to live for twelve or eighteen months in little light camps made of boards; but we gradually became callous and returned to our houses.

Most of those who fled the country in the time of the hard shocks have since returned home. We have since their commencement in 1811 and still continue to feel light shocks occasionally. It is seldom indeed that we are more than a week without feeling one, and sometimes three or four in a day. There were two this winter past much harder than for two years past; but since then they appear to be lighter than they have ever been and we begin to hope that ere long they will entirely cease.

Your humble servant,

ELIZA BRYAN.

(Life of Lorenzo Dow, p. 242.)

Peter Cartwright, like Dow, an itinerant preacher, in his autobiography (p. 74), also describes this earthquake, and says "it struck terror to thousands of people, and under the mighty panic hundreds and thousands crowded to and joined the different churches."

He finishes his remarks on the subject with the assurance that "many of these people were sincere and stood firm" to their professions.

ROBERT CARTWRIGHT.

[Read before the Historical Society by J. A. Cartwright.]

Robert Cartwright was an aged man when he came to the Cumberland. From papers in the historical collections at Nashville it appears that he was a sheriff or sheriff's deputy in Princess Anne County, Virginia, in the year 1758.

He was, evidently, a man having considerable capacity for business, and must have had various and important transactions to engage his attention.

There is a formal appointment of Robt. Cartwright and others as guardians of the public peace on the western shore in Princess Anne in 1760. As an officer under his majesty, it appears that he, in several instances, complied with the requirements of that act of the British Parliament which caused such a commotion in the colonies and became one of the measures which produced the war of Revolution. We allude to the Stamp Act.

Several contracts and obligations are executed upon the stamped paper, and with great formality and legal precision.

The curious may be interested and amused by an examination of some of the old documents left by Mr. Cartwright, such as "A proclamation against an out-lying slave, named Jo, doing mischief, in the reign of our Sovereign Lord King George the third," concluding, "God save the King!"

The English law and that proclamation in accordance with it, authorized and directed such runaway to be shot and killed by any person, unless he should quietly surrender or return peaceably to his owner.

It appears that Mr. Cartwright and others had some dealings with one Frederick Boush, who could not always comply with his engagements, and therefore was sued and harrassed, and being a man of "pashon," he spoke unadvisedly with his lips, and had to eat his own words.

"Advertisement.

"This is to certify that I did rashly and inconsiderately slander Ben Northern, by slanderous words, wrongfully in a pashon, for which I am *sorry* and ask *pardon* of him the said Northern, whome I haved wronged.

given under my hand this 19th Day of May 1764.

Test.

FREDERICK BOUSH"

"Thomas Burges"

In 1770 pease were not only a good *edible* but *credible*,—for Esquire Cartwright obtained credit on his debt for "30 bushels of pease."

The following order contains some information relating to local matters in Davidson county and the residence of a few early settlers, which will justify its insertion here:

"Davidson Court day. Tenn. 1787.

"By order of Court, Robt. Cartwright is appointed to oversee the clearing out so far as from Whites Creek to Mansker's Station, the road as lately laid out by Hadon Wells & Co. and that those living at Dan Frazers, Sam Walkers, Mr. Mears and Mr. Coon's and all within sa. Bounds work thereon, under the direction of ye sd. Cartwright in clearing out the sd. Road.

"Test—ANDREW EWING C.D.C."

In 1797 Mr. Cartwright obtained a license, in due form, "to distill liquor from materials of the growth or produce of the United States for the term of one month, paying the revenue of ten cents per gallon on what his said still may contain."

This was under the act which caused the commotion and whisky rebellion in Western Pennsylvania and encountered the fierce opposition of the Tipton party in East Tennessee.

We cannot afford to give a facsimile, but a copy of the following writ:

STATE OF TENNESSEE, }
DAVIDSON COUNTY. } To any lawful ofser you

are heir by Commanded to summons Daniel Frazar, John hope, Jeams Bowers Joseph Shay Wiliam Boen David Shannon abner Johnson absalom Hooper, Ben Johnson, Nickols, John Worken John Mack farling, To appear be for Me or some

Other jistis of said county To anser the Complaint of Robt. Cartwright Over sear of the rod fer Default in working on said rod given under my hand and seal

this 30th June 1797.

JOSEPH PHILLIPS."

This "jistis of Peace" was one of the worthiest men in Davidson county.

Mr. Cartwright came on the "Adventure" with Col. Donelson. He was in company with Captain Donelson at the Clover Bottom defeat, and was enabled to escape by riding Donelson's horse.

When Mansker's Station was abandoned, he removed to and remained at Eaton's.

He was an industrious and useful man, a consistent Christian, an ingenious mechanic, a judicious adviser, faithful friend, and quiet and influential citizen.

He has left a most worthy posterity.

THE ADMISSION OF TENNESSEE INTO THE UNION.

BY THE LATE NATHANIEL CROSS, APRIL, 1850.

The following extract from Mr. Calhoun's speech on the slavery question, delivered in the United States Senate March 4, 1850, contains an allusion to an incident in the history of Tennessee that is new, not only to the undersigned, but to others with whom he has conversed about it. In answer to the inquiry, What shall be done with California, should she not be admitted? Mr. Calhoun says:

"Remand her to the territorial condition, as was done in the case of Tennessee in the early stage of the government. Congress, in her case, had established a territorial government in the usual form, with a governor, judges, and other officers appointed by the United States. She was entitled, under the deed of cession, to be admitted to the Union as a State as soon as she had sixty thousand inhabitants. The territorial government, believing it had that number, took a census, by which it appeared it exceeded it. She then formed a constitution and applied for admission. Congress refused to admit her, on the ground that the census should be taken by the United States, and that Congress had not determined whether the territory should be formed into one or two States, as it was authorized to do under the cession. She returned quietly to her territorial condition. An act was passed to take a census by the United States, containing the provision that the territory should form one State. All afterwards was regularly conducted, and the territory admitted in due form as a State."

The presumption would seem to be that Mr. Calhoun should be correct in regard to the history of the admission of Tennessee to the Union; and yet the little investigation I have been able to give to the subject since his speech has been received here would appear to lead to the contrary result, and to indicate that our State is not entitled to the credit that he gives her of "returning quietly to her territorial condition," when remanded back by Congress, if she was thus remanded; and that

this example, so far from sustaining the position taken by Mr. Calhoun in regard to California, is rather against it.

In Roustone's Statutes of Tennessee, pages 51, 524, 53, is an act passed July 11, 1795, at the second session of the Territorial Legislature, providing for the taking of the census of the Territory, preparatory to application for admission into the Union. The schedule, according to which the sheriffs of the counties are to make their returns, consists of six columns, to contain heads of families, free white males of 16 years and upwards, free white males under 16 years, free white females, all other free persons, and slaves; and what is remarkable, as indicating in advance something of that independent spirit that had already prompted the creation of the short-lived State of Franklin, the sheriffs and their deputies are directed to add an additional column to the schedule, containing the answers given by each free male person, 18 years of age and upward, to the following question: "Is it your wish, if upon taking the enumeration, there should prove to be less than 60,000 inhabitants, that this territory shall be admitted as a State into the federal Union with such less number, or not?" "And it shall be the duty of the sheriffs," the act goes on to say, "and of their deputies, to make due returns of the yeas and nays upon that question, to the governor; and if the number be less than 60,000, and the question be determined in the affirmative, the governor is requested to call the general assembly into session as early as may be." If the population should prove to be 60,000, the act directs that the governor shall order an election of five members from each county, to meet in convention at Knoxville, at such time as he shall judge proper, for the purpose of forming a constitution. If the population had been less than 60,000, the Territorial Legislature was to have been convened, if the people desired it; but what measures the Legislature could have taken to have brought about an admission into the Union, without the requisite number of inhabitants, is not easy to conceive; but from what was actually done, and what was contemplated to be done had the necessity occurred, as appears from the provisions of the act, it appears that there was presented, or would have been presented, a condition of things quite as anomalous as that of California. But a remarkable fact in the history of the admission of Tennessee remains to be noticed, and which proves,

as before hinted, that Mr. Calhoun, unless there is some mistake in my authorities, has been very unfortunate in citing the case of Tennessee as a precedent for remanding California back to the territorial condition. And here it may be proper to state that I would not be understood as opposed to this remanding, or in favor of admitting this golden territory into the Union; only if the alternative is between admission with disunion, and remanding with union, few, I presume, would hesitate to adopt the latter. But to return to the subject. I went to the office of the Secretary of State last Saturday to see if I could verify Mr. Calhoun's statement, but found the books in the Library, as is well known, in great confusion, and in saying this I would not be understood as imputing anything like negligence to the excellent and very gentlemanly incumbent of that office; for it is next to an impossibility to keep the books in order in this present exposed locality. Though I found there the journals of Congress for the first and second sessions for 1792, and for other years, I did not succeed in finding those for 1795 and 1796. In Peters' statutes at large, however, extending from 1789 to March 3, 1795, in Vol. I., pages 491, 492, is the act of Congress admitting Tennessee into the Union, and approved June 1, 1796; but there is nowhere in Peters, in the act of 1795 or 1796, any allusion to any remanding, or any previous application, or what might certainly be expected there, the act which Mr. Calhoun says Congress passed for taking the census in the regular manner.

Again, the sheriffs under the act of the Territorial Legislature were required to make their returns to the governor by the 30th of November, 1795. The governor, it must be presumed, then ordered elections to be held in several counties, as required by the act; the members elected met in convention at Knoxville, formed a constitution, sent it on to Philadelphia, where Congress then met, with a petition to be admitted into the Union; this petition, according to Mr. Calhoun, is rejected; Tennessee remanded back to her territorial condition: an act passed by Congress to take the census anew, and the whole process of organization gone over again, it is to be presumed, as he assures us, "that all afterwards was regularly conducted, and the territory admitted as a State in due form." And yet all these things connected with the birth of our glorious State were done in Ten-

nessee and undone in Philadelphia, and done over again in Tennessee and at last confirmed at Philadelphia between the 1st of December, 1795, and the 1st of June, 1796, and this before the introduction of telegraphs, railroads, steamboats, or even stages.

But the most suspicious and mysterious and almost comical part in the history of Mr. Calhoun's precedent for remanding California back to her territorial condition is yet to be noticed. According to Peters' Statutes, the act for the admission of Tennessee was approved, as before stated, the 1st of June, 1796; but according to Roulston's Statutes of Tennessee was begun and held at Knoxville on Monday, the 28th of March, 1796, and adjourned the 20th of April, 1796—that is, the first session of the State Legislature began more than three months, and closed more than two months, before Congress invested her with the attributes of sovereignty. While the conscript fathers on the other side of the mountains were telling her messenger, Mr. McMinn, and her representative, Mr. White, that she must remain a while longer in her pupilage and mend her manners and then come back and knock again for admission more civilly, this young cismontane sister seems to have flouted their paternal counsel and without further ceremony to have taken her place in the sisterhood of republics, and gone to work in the exercise of sovereignty in organizing her courts of justice, appointing State officers, chartering seminaries of learning, and providing for the election of members of Congress and for presidential elections. It is true that at the next session of the Legislature, begun the 30th of July, 1796, after the act of Congress admitting her into the Union had passed new acts for the election of members of Congress and of presidential electors were enacted and those of the previous session repealed; but there is no record, so far as I have been able to examine the matter, either of a new census of the territory, or of a new election of members of a convention, or of a second meeting of the old convention, or any other act indicating a reorganization of the government; or that "all things were regularly conducted and the territory admitted in due form as a State," as Mr. Calhoun says after she was remanded to her territorial condition.

An edition of Hume's History of England with Lingard's Variations was once published in Philadelphia; and such are the

uncertainties of history, as is known to all conversant with either ancient or modern authors, that similar editions could be published of the history of almost every country or important event that has been treated of by more than one person. Among these uncertainties may be classed, it would seem, some of the particulars connected with the admission of Tennessee to the Union. Mr. Calhoun has given a statement or version of the matter that appears to be new.

Monette, in his *History of the Valley of the Mississippi*, says the census was taken by the Territorial Legislature, and application made to Congress for authority to frame and adopt a constitution. The convention thus authorized assembled at Knoxville, January 11, 1796, and after a session of four weeks, adopted a constitution which, having been submitted to Congress, Tennessee was admitted to the Union, June 1, 1796.

Morris' *Gazetteer* says it was admitted June 6, and states, farther, that "writs of election were awarded immediately to elect representatives to the General Assembly, and a governor. Elections were held pursuant to notice, and Gen. John Sevier was elected the first governor of Tennessee."

The first General Assembly of the State, under the constitution, convened at Knoxville, Monday, March 28, 1796, but Mr. Morris has forgotten to indicate by what species of legerdemain these worthy fathers were elected after June 6, 1796, and held their meeting March 28 of the same year.

In review of the whole matter, it seems Tennessee assumed and exercised the attributes of sovereignty before they were duly conferred upon her; but that Congress, either not knowing this in those antetelegraph and anterailroad days, or else dreading another State of Franklin affair, or something worse, prudently opened the door and let her into the Union, though she did knock somewhat rudely.

If, however, the third section of the fourth article of the Constitution of the United States is the only directory in regard to the admission of new States, no general law having been passed on the subject by Congress, it would seem that great latitude is allowable in regard to the formalities in the process of organizing a government in the transition from the condition of a territory to that of a State.

So far as concerns the creation of a State from a territory,

the constitutional provision is contained in one brief clause: "New States may be admitted by Congress into the Union;" the other part of the section being designed to protect the sovereignty of States already existing, and to give Congress general power to dispose of, and make all needful rules respecting the territory of the United States. It would seem, then, that unless some general law had been passed, it was unnecessary that the application for admission should be preceded by congressional action.

All that Congress had to do after the application was to see that then the requisite number of inhabitants had been determined by census, that the Constitution had been ordained by their will, and was not inconsistent with the Federal Constitution. All other provisions, such as particular features of the Constitution, boundaries, etc., had to be determined by general considerations of justice and expediency, the power of Congress being absolute to admit or reject. Thus Iowa was kept out for some years because her inhabitants refused to limit her boundaries as Congress directed.

It would seem that the practice controlling admission of new States has not been uniform, nor does it appear necessary that it should be so.

Senator Hamlin, in advocating the admission of California, said "that of seventeen States admitted since the formation of the Union eight were formed after previous action by Congress, and nine without such action, and that the rule was against those who contended that States could only be formed in accordance with previous congressional action."

Mr. Haywood says that "Mr. McMinn, who carried the Constitution to Philadelphia, was instructed to stay long enough to ascertain if the members of Congress from Tennessee would be received, and he instructed Mr. White, the territorial representative, to have an act passed as soon as possible for the admission of the State, which act passed June 6, 1796.

"Writs of election issued from the convention February 6, 1796, for the election of Senators and Representatives to represent their counties in the next General Assembly, the session whereof was to commence on the last Monday of March; and also for the election of a governor of the State of Tennessee. The members of the Assembly were elected pursuant to the mode

which the Constitution prescribed, and the people elected John Sevier governor. At the appointed time the Assembly met at Knoxville, and the State of Tennessee there assumed the rank and exercised the authorities of a free and independent State."

But Haywood either did not notice the discrepancy of dates which he recorded, viz.: that the State was not admitted till the 6th of June, but assumed the rank and exercised the authorities of a free and independent State from the last Monday of March, i. e., three months before her majority; or else aware of this irregularity, chose, from prudential reasons to pass it over in silence.

SIGNIFICATION OF THE NAME ALABAMA.

The following note from Mr. A. J. Pickett, author of an excellent history of Alabama, on the origin of the name of that State, may be interesting. It is taken from the Historical Magazine, New York, for May, 1858:

House of Representatives, November 18, 1857.

Col. A. J. Pickett—Dear Sir: The proposition to change the great Seal of the State, has awakened an inquiry as to the truth of the opinion which derives the name of our State from the exclamation of an Indian chief, who, driven from his native land, found refuge within our territory, and who, delighted with the prospect which first met his eyes, cried out, with joy—Alabama! Here we rest!

As there is no one better qualified than the author of the "History of Alabama" to give us correct information on this subject, may I ask you for your opinion in regard to the origin of the word "Alabama?"

Very respectfully, your friend,

THOMAS H. HOBBS.

Montgomery, November 24th, 1857.

Dear Sir: The history of the migration of the Alabamas to the State which bears their name is interesting, but would be too long to be published in the columns of a paper, and it would only be a repetition of what I have already written. I will, in reply to your letter, simply say that abundant evidence, obtained from the journals of the earliest French, Spanish, and English explorers of this country, besides the best traditions I have been able to command, have given me every confidence to make the following brief statement.

When Cortes, at the period of three hundred and thirty years ago, invaded and subdued aboriginal Mexico, the tribe of Indians called the Alabamas were subjects of Montezuma. They occupied the country of the northwest of the Mexican empire, and, in conjunction with the Muscogee or Creek Indians, who

were also Mexican subjects, unsuccessfully attempted to repel the invasion of the Spaniards. After the tragical death of Montezuma, these two tribes began to migrate eastward. They had previously been at war with each other. On the sources of Red River, the Muscogees overtook the Alabamas, and, for a number of years, while each were journeying eastward, they had bloody conflicts. The Muscogees being by far the stronger party, were always successful, causing the Alabamas to abandon their new homes, and to extend their journey farther towards the east. At length, the former tribe ceased to pursue, and, crossing the Mississippi, established themselves in a country now known as Ohio, and were there living when De Soto invaded Alabama. The Alabamas continued southeast, and established themselves on the Yazoo River, and were there living when De Soto invaded the country now known as the State of Mississippi. On the 25th of April, 1541, De Soto marched upon the fort of the Alabamas, which was strongly defended by immense logs and ditches, and a strong garrison. A battle, as sanguinary as almost any other which had attended the march of this great Spaniard, immediately ensued. De Soto was successful, and many of the Alabamas were slain. Subsequently, they broke up their establishments in Mississippi, and, continuing east, came to the banks of the noble river which has ever since borne their name. They established a town called Coosawda, situated a mile below the junction of the Coosa and Tallapoosa rivers. Their next town, called Econcharte, and meaning red ground, was situated one mile below the wharf of the present Montgomery. Three miles further down the Alabama River was the next town, called Towassa; the next, Pouwacte, and the last, Autauga. These five towns, with the country immediately contiguous, formed the chief settlements of the Alabamas, all of which were upon the banks of the river known as the Alabama.

The Muscogees, the old enemies of the Alabamas, after the lapse of many years, journeyed from Ohio to this country. They once more routed the Alabamas, many of whom fled for protection to the Choctaws, Chickasaws, and Mobilians. The Muscogees continued their conquests and subdued all other tribes as far east as the Savannah River, and incorporated these subdued tribes into a great confederacy, called afterwards, by

the English traders, the Creek Confederacy, or Creek Indians, from the unusual number of creeks and rivers which flowed through their country. At length, the French discovered and settled the country about Mobile, and some of the chiefs of the Alabamas applied to Governor Bienville, to obtain his assistance to regain their abandoned establishments on the Alabama River. They represented the country on this river as highly favorable to the trading interest of the French colony, and Bienville turned his attention to the conclusion of a peace between these tribes. A peace was concluded, by which the Alabamas were allowed to remain in the Creek Confederacy, subject to the National Government, but to retain their peculiar customs (which was also allowed to the other vanquished tribes), and they returned to their towns on the Alabama River. These towns they occupied until the treaty of Fort Jackson, of 1814, compelled them, with the whole Muscogee (Creek) nation, to remove to the territory of the present counties of Coosa, Talladega, Randolph, Chambers, Tallapoosa, Macon, Russell, and Barbour. When, afterwards, the territory of these counties became occupied by the white population, the Alabamas were removed, in '36--'37, to Arkansas with the Muscogeas, or Creeks. Many years before this, some had removed to the waters of the Sabine and Trinity.

Such is the brief history of the tribe of the Alabamas, from whom our river and our State take their names. In all the old Spanish, English, and French maps in my possession, this immediate section of our State is called "the Alabamas"—"the Alabamas river"—"the river of the Alabamous." On no map whatever, and in no old book, or old journal whatever, have I ever seen where this river and this immediate section of country were ever called by any other name than the river of the Alabamas, and the country of the Alabamas. The early French explorers called the Tennessee River the "river of the Cherokees," or "the Cherokee country," for the same reason—because the Cherokee tribe lived on that river.

In all the changes of the government of the territory of our State, the original name, Alabama, has been retained. Thus, in 1802, the United States bought all of our territory and that of Mississippi from Georgia, and erected the same into a government called the "Mississippi Territory." Afterwards, when

Mississippi became a State, the eastern portion was called "Alabama Territory," and afterwards, the State of Alabama, retaining the original name, derived from that tribe of Indians.

The words, "Alabama—here we rest," are very beautiful, and are entirely admissible in poetry, but the truth of history shall always be vindicated by me when necessary, and I view the present occasion as such, having been applied to by you for my opinion. It is, then, my conscientious, and, I think, well-founded opinion, that Alabama does not mean "here we rest."

I am, very respectfully, yours truly,

ALBERT J. PICKETT.

Hon. Thomas H. Hobbs, House Reps.

CORRESPONDENCE OF GEN. JAMES ROBERTSON.

(336)

Southwest Point, 5th May, 1807.

Sir:—

I have received a letter from the Secretary of War advising me that you & myself were appointed commissioners to run the Chickasaw and Cherokee boundary lines agreeably with the treaty with the Chickasaws & the convention with the Cherokees; that you, with Mr. Thomas Freeman, will meet me at the Chickasaw Old Fields—of the time of meeting you there I am to be notified by you. I presume, as you are solely commissioned for running the first mentioned line, that you will first run that line, & then meet me at the Chickasaw Old Fields.

Mrs. Meigs has been sometime ill with the Rheumatism, & I am now preparing to carry her to the Warm Springs. I have agreed to meet the Chiefs of the Cherokees at Highwasee, at the new Garrison, on the 10th June, to pay them a sum of money. I hope the arrangements which you shall make will be so calculated in point of time as to enable me to attend to the objects mentioned before I meet you at the C. Old Fields. However, I must endeavor to conform to circumstances. I also wish to move my family before the 10th of June to Highwasee.

I will thank you for a line informing me of your intended prosecution of the business as to time. You will observe that, as I understand the Secretary of War, you will solely direct the running of the Chickasaw line to the Old Fields, where I hope to induce the Cherokees to agree to let the Convention line include all the waters of the Elk River.

I am respectfully,

General J. Robertson.

RETURN J. MEIGS.

(337.)

General Post Office,

Sir:—

January 12, 1807.

I have received yours requesting a speedy answer to your proposals for clearing the road from Nashville to Grind Stone

Ford. Difficulties and embarrassments, which appear almost unsurmountable, have hitherto prevented a decision. Last week I thought they were so far removed that I ventured to request Mr. Dixon to write to you that your bid had been accepted so far as the Tennessee river, but new difficulties have arisen this morning which make it necessary for me to consider the whole business as open and unsettled for the present. Of this I have informed Dr. Dixon. At any rate, in the course of the present week a final decision will be had of which you shall have notice by the mail of the 20th.

With great esteem,
and Respect,

G. GRANGER.

Genl. James Robertson,
Nashville, T.

(338.)

Proposals made by James Robertson to Mr. Haller for opening a part of the road commonly called the Natchez road:

1st. He will open or clear the road 12 ft. wide from the Indian boundary to Tennessee river at four dollars pr. mile. From Tennessee river to the Chickasaw agency at seven dollars pr. mile.

2d. He will complete the necessary bridging at 66 & two-third cents pr. foot and the causewaying at 76 cents per yard.

or

He will take those two roads, bridge and causeway and slope the banks so that loaded wagons may pass, for \$1,700.

Otherwise he will commence at the Grindstone Ford and clear, as above named, to the pidgion-roost or big black at \$7 pr. mile (for clearing, bridging, causewaying, and sloping the banks).

or

He will take the aggregate sum of \$1,800 for said work and labor.

In either case he is willing to leave said work to be valued by Col. Meigs or Mr. Thos. Wright.

17th April, 1807.

Mr. Haller.

(339.)

Washington, January 25th, 1808.

Dear Sir:—

James Madison, who now is Secretary of State, is nominated to be President of the United States, and the esteemed Judge Clinton, who now is Vice President, is nominated to be Vice President of the United States; for the four years following next after the third of March in the year one thousand, eight hundred and nine. Wishing health and happiness,

yours, etc.,

JOHN RHEA,

Genl. James Robertson.

(340.)

Knoxville 24 March 1808.

Dear Sir,—

Our assembly at their last session passed a law for the purpose of holding a treaty with the Cherokees, provided the Executive of the United States acceded to the measure. I am lately informed by some of our delegates that permission is obtained, and that Colonel Meigs is appointed on the part of the United States.

The Executive of Tennessee is empowered to appoint one or more commissioners as he may deem necessary. I intend attending myself, and shall only appoint one Commissioner, and that one will be yourself, provided it will be suitable and agreeable to you to act in that capacity, which I hope it may.

Permit me to solicit your immediate answer on the subject, and in case you think proper to accept the appointment, I will then correspond and consult with you on the measures necessary to be pursued on the occasion.

I am with sincere esteem and respect,

your friend and hbl. servt.

Genl. James Robertson,

JOHN SEVIER,

(341.)

Marble Springs, 4th May 1808.

Sir,—

I had the pleasure of your letter dated April last, and am happy to learn that the appointment of Commissioner is agreea-

ble. On this business I shall shortly communicate more fully on the subject of the treaty. A day or two past I received a letter from Howell Tatum with his resignation of Commissioner. No person to fill the vacancy has been recommended. I wish to know of some suitable character, not only a person that would do justice to the State, but also to individuals. There have been a number of complaints against the first set, but as to Mr. Tatum I have not heard any. I wish he would have continued. I will thank you to drop me a line on the subject, and also what is the state and situation of the frontiers as to Indian depredations.

Your friend and obedient servant,

JOHN SEVIER.

Gen. Robertson.

(342)

Knoxville, 20 May, 1808.

James Robertson, Esq.,

Sir:—

The state of our finances are such that prevents us from holding the Treaty so soon as could be wished for. I am not certain that we can enter upon it before sometime in the next spring. There is no money in our treasury here, and I fear little in that of West Tennessee. I have written to Mr. Crutcher for information but have not yet received his answer. I will now submit my ideas on some of the preparations necessary to be made previous to the Treaty. I have thought that a considerable sum (say ten thousand dollars), ought to be laid out for suitable and well-chosen Indian goods, and have same put up in a store to be seen and viewed the time of the treaty. The other ten to be reserved for other purposes. A part for the purchase of provisions and other incidental expenditures. Another part to be employed and distributed among those that would choose, or be fond of specie. The goods would have a pleasing and alluring effect on the Indians, particularly the females and young men of the nation, who have their weight and influence. Would it not be a good plan to employ some suitable persons (two at least) to find the disposition of the Indians, and prepare them as much as possible, previous to the holding of the Treaty? If suitable persons could be employed on reasonable terms, a few hundred dollars, in my opinion, could not be better expended.

If such should be employed it would be most advisable for them not to be known to each other. I have thrown out these ideas and observations for your consideration, and should they meet your approbation shall be happy. At the same time, if anything otherwise should be thought more advisable by you I will most cheerfully unite in any project that may be thought most productive towards attaining and bringing about a favorable and beneficial treaty.

Colonel Meigs have very politely offered to accommodate us with his house and office, should we think proper to hold the treaty at the New Garrison. I have written the Colonel that on consulting with you and finding that you had no objections, I had none myself. I have also observed to him I expected we should not hold the treaty on the Indians' side of the line. For a number of reasons, I think the Garrison the most eligible place. There will be there a guard, and many other accommodations that could not be so easily procured, at any other place.

Permit me to request your early opinion and advice on the several subjects on which I have written.

I have the honor to be, sir,
your friend and Humble servant,
JOHN SEVIER.

(343)

Bellview, 13th January, 1809.

My dear friend,—

Our political hemisphere wears a gloomy aspect. Shadows, clouds, and darkness rest upon it. Everything portends war. We should be prepared for the worst result. I did very much wish to be at the democratic meeting at Nashville, but other engagements prevents me that pleasure. I fear that the Quids & Feds in that vicinity will attempt to withhold from the President that declaration of public approbation which is his due, and which ought unequivocally to be avowed at your meeting. But I trust there are Whigs enough among you, impressed with this important duty*(at this momentary crisis) to prove to others that the people of West Tennessee are grateful, patriotic, & capable of making proper distinctions.

I did hope, that when the proceedings of the administration as respects foreign nations, was brought to open day, that every mouth would have been stopped and every tongue confess the righteousness of the proceedings, but behold, we now hear the opposition cry out, that we ought to declare war against the powers, which have provoked our just indignation, without taking any intermediate steps. Strange & perverse man, prone to do wrong; when once avowed a sentiment, (often will) persist in that sentiment against the most pungent convictions of his wrong. Such is the false pride which drives many on the rocks of destruction. For my own part I don't know what could have been done more for this nation, than has been done. But I think the opposition are influenced by something of the same spirit that the ancient Jews were, the greater the miracles the louder the cry, crucify him, crucify him, their hearts are hardened their eyes are blinded—they choose darkness rather than light—because their deeds are evil. They appear to be given up to false delusions, that they might believe a lie, that they may all be (politically) damned, who believe not the truth but have pleasure in unrighteousness.

I decline accepting the proposal of Gen'l. Smith for the present but in the event of actual war more troops will be called to the field, and in that event should (with that sentiment which I hope will actuate every American) willingly serve in that capacity where I can render the most service to my country.

Now may the disposer of all Good avert the dangers with which we are now threatened. To this end may we all repent for our sins and do our first works.

I am with great respect & friendship

your fellow citizen,

WM. MARTIN.

Genl. James Robertson.

(344)

Washington, M. T., March 5, 1809.

Sir,—

I have lately been called upon by the Postmaster General to inspect the road cut out by you from the Grindstone Ford to the

Pigeon Roost or to employ some other person to do it in case it were impracticable for me to attend to it.

As the business of my office will not admit of my being absent any length of time, I have selected Lewis Winston, Esq., to attend to the business. He will start from this place in one or two days and when he arrives at the agency house in Chickasaw nation it is expected he will forward his report to the Postmaster General. I have not been able to find any trusty person to attend to this business at an earlier period.

I have to acknowledge the receipt of your letter of the 28th of January last—as it related to the road business I conceived it proper to hand it over to Mr. Winston so that you may derive every benefit to which you are justly entitled.

I am respectfully

your obedient servant,

Gen'l. James Robertson.

SETH PENN.

(345)

Knoxville, 11th April, 1809.

Dear General.

Your letter of this day. I have had the pleasure to receive, and am happy to hear you have made such good impressions on the people among which you have traveled. I hope you will continue to do so, more and more, as you progress to the commencement of the contemplated treaty to be held. I flatter myself that our joint endeavors will have a happy issue, and you may rely upon it, that nothing shall be neglected on my part. You state that you have a sum yet unexpended in your hands subject to my order. You will please retain it and convert it to, the uses it has been appropriated for, as you know much better than myself how to dispose of it in that way.

I have directed the Secretary to make you out drafts for the use of the Treaty, to the amount of six hundred dollars which you will please call for at his office—pray write me on all occasions how you are progressing.

I have the honor to be Dear General,

Your friend & obedient servant,

Genl. James Robertson,

JOHN SEVIER.

[Signature missing—probably Sevier.]

(346)

Chickasaw Nation, April 18th, 1809.

Friend & Brother,—

We have received your letters and have heard the contents of them; and the nation is very ready to make their grateful acknowledgments to the President for the favor of having the intruders ordered off our land as our breath has been gone for some time, but is now restored to us again, friends and brothers when too near to each other their friendship is not so apt to continue, but when at a distance, friendship always remains firm and secure. We have understood that the States did purchase this land that you name in your letter & we suppose you know as well as us that it was not of the Cherokees, but of the Senecas, a nation who thought to destroy all the white people, & in their wars with the whites lost all their land therefore they had no land to sell. We believe you know as well as ourselves that where Genl. Pickens now lives was formerly their country & the little turkey his party and all that lives below the Lookout mountain have no land they are of the seneca nation & are beholden to red people like ourselves for land to live on. this nation does not consider that it is by the order of the Government of the United States, that they are rather insisted on to sell their land, but rather by the contrivance of some individuals in Tennessee state who urge it for their own private interest.

We have understood that the Cherokees have been persuaded to sell their land by those individuals & in consequence of this there has been four or five of the Cherokee chiefs broke by their own nation on account of their not being true and honest men to their nation.

as to any prejudiced person advising us it is not so, we have friends in the Cherokees that attends their councils and from them we get the information which makes you suppose we are advised by prejudiced persons.

we have long suspected that the Government of the U. State was advised by those individuals to purchase the lands—we never suspected the Cherokees of selling land, and if the Government has purchased it has not been of the right owners, but of people who had no right to sell.

This nation is not disposed to sell land at present—as it is gen-

erally people of a loose bad character that are the first settlers of a country & of course might not be good neighbors—we request that the orders of the late President and Secretary of War may be executed in removing the intruders off our land.

we are your friends and brothers,

CHINUMBE MINGO KING x his mark.

HATTASHINECO x

EMATTAHAMICO x

OKOY x his mark.

MINGO MATTAHA. x

GEORGE COLBERT

WILLIAM MCGILBERY.

Genl. James Robertson.

(347)

Highwassee Garrison,
18th April 1809.

Sir.

By the last mail I received an order from the Executive of the United States to go myself with the detachment to remove the intruders off the Indian lands from Flint River & from the Chickasaw lands; & unless requested by the Chickasaw Chiefs in favor of the intruders between Elk, & the lands surveyed by Mr. Freeman, I shall be obliged to remove the whole without exception. The order for my accompanying the troops will prevent me from being at Nashville as agreed on the 1st of May. This being the case I should be very happy to meet you on Elk river also Maj. Colbert or any other Chickasaw Chiefs. Our meeting there may be of much public service. I shall set out tomorrow or the next day. I shall be in that quarter by the 26th & to the end of the month of April. I hope to see you—also the Colberts—At any rate I hope to see you—Several objects in which you & myself are concerned on public account may be forwarded, and difficulties removed by our meeting.

I am very respectfully

Your obt. Servant.

RETURN J. MEIGS.

Genl. James Robertson.

(348)

Hickory Flat,
1st May 1809

Sir,—

I am now here removing the intruders on the Cumberland in this quarter—Previous to my leaving Highwassee I wrote you that I could not meet you and Major Colbert at Nashville as had been agreed on, having received express orders to attend personally to the removal of the Intruders on the lands of the Cherokees and Chickasaws; this must excuse me from meeting you at Nashville. I wish very much to see you here also Major Colbert; because my orders are to remove the intruders off the lands of both nations; however if I can have the consent of the Chickasaws expressed fully in favor of letting the settlers remain this year on their lands—it will gratify me and be of incalculable advantage to those settlers. They place the strongest hopes in your exertions for them.

I am respectfully,

RETURN J. MEIGS.

General Robertson.

(349)

Highwassee Garrison,
25th June 1809.

Sir,—

I now wish transmit to you the *Elucidation* of the convention made on the 7th of January 1806. I had carried it with me on my late tour hoping to have had the pleasure of meeting with you. You have already been informed that every effort in favor of the settlers on the Chickasaw lands proved abortive. I much regret to be obliged to compel them to remove because they are not of the general character of intruders. They were sensible that all that could be done was done and they cheerfully complied with the requisition to remove. Colbert's conduct with respect to those people has been marked with unsteadiness and with duplicity, because he had as they declared to me, frequently expressed himself satisfied with their stay on the East side of the Elk.

This will be handed by the Glass who with the Turtle at Home is preparing to make you a visit.

I removed 201 families off the Chickasaw lands and 83 families off the Cherokee lands—not less than 1700, or 1800 souls. These people bear the appellation of intruders but they are Americans. our riches and our strength are derived from our citizens; in our new country every man is an acquisition—we ought not to lose a single man for the want of land to work on. A disposition to migrate seems to pervade the whole Eastern part of the U. States; it acts as uniformly as the law of gravitation, and can no more be restrained untill the shores of the Pacific Ocean make it impossible to go farther. Within seven years stations and settlements will extend to the mouth of the Columbia river.

The 4th of July will be celebrated this year with uncommon satisfaction. The prospect of war has vanished and our country stands on honorable ground. Our late and present administrations are identified in principle—they can look back with satisfaction and forward with pleasing anticipation.

I am very respectfully

RETURN J. MEIGS.

General James Robertson.

(350)

Knoxville 15th July 1809.

Sir,—

Yours of the 6th instant has come duly to hand, and I am glad to hear that you are likely to succeed in being accommodated by the Treasurer. Agreeably to your information of the state of the Treasury that further advances can be made, I have forwarded you two more warrants of two hundred and fifty dollars each—I hope what have and will be received, will answer the intended purposes as to the outline of the negotiation.

Col. Meigs have recommended Messrs. Lyon & Clark as suitable characters to furnish provision etc. etc., they being already provided with the necessary articles. On reflecting that the treaty is to be held at a public garrison and that we shall be under great obligations to the agent of Indian affairs, who is to act conjointly in the treaty, and entitled to direct the furnishing one half of the issues, I have thought it prudent to

accept of the offer, provided you have no objection. Those persons supply the garrison and of course must be better prepared for such a purpose than any new hand who could not do it as cheap, which alone is an object—I will be with you either first or second day of treaty.

I am very respectfully,

Your friend and obt. servant,

JOHN SEVIER.

Brigadier General Robertson,

P. S. Please write me when this goes to hand.

(351)

Knoxville 6th of August 1809.

Sir,—

I have received your letter of the 25th of July in which mentioned your intention of setting out for the nation on your way to the Treaty. I am sorry to inform you that I have just received a letter from Col. Meigs enclosing a copy of a letter from the Black Fox, who states that the Indians cannot meet us before the 25th of September. what is the cause of this disappointment I am at a loss to know, but have my suspicion which I believe is well grounded, that some person inimical to our country and also unfriendly to myself is the cause—

I am far from censuring Col. Meigs on the occasion—I believe from what I can learn it is done in order to frustrate a favorable Treaty, to prevent my attendance also, because it will be inconvenient for me to attend in the time of the Assembly sitting, as I am chosen senator for Knox county—It will be necessary for me to be at this Treaty, having made arrangements that must be attended to, which I trust will be very useful to the State.

I have written to Col. Meigs that it is my opinion we cannot attend, as they have put off the Treaty, before the last of October or the first of November, and I am of opinion it would be best to put it off until the last of November—I have been constantly of the opinion that the longer the Treaty could be put off the better, for the Indians are becoming more and more attached to the west side of the Mississippi and are constantly

going off to that country, and of course less attached to their own; Many more things I could name were it necessary but you are as well acquainted as myself or perhaps much better. I shall await your advice and shall be glad to hear from you as soon as convenient.

I am with all due respect

Your most obt. servant,

JOHN SEVIER

Gen'l Robertson.

P. S.—In Knox county Mr. Blount got 1024 votes, Cocke 60; in Blount county Cocke had 865 votes, and Blount 121. The other counties I have not heard from, but it is said by some that Cocke will have a majority of two or three thousand in East Tennessee.

(352)

Highwassee Garrison,

1st September 1809.

Sir,—

I have received your letter of the 20th of August on the subject of the pending treaty with the Cherokees. The time you mention the 30th of September perfectly agrees with my opinion as to the time best to effect the business with the Cherokees, because they will then have all their crops secured, their minds will be free to attend to the business. It will also comport with the wishes of the Governor who by that time will have done with the business committed to him as a senator in the legislature. It will likewise probably be the best time for my attendance, as I am directed to superintend the treaty in behalf of the government? between the State of Kentucky and the Chickasaw nation for lands in the western part of that state, I presume at the mouth of the Tennessee on the west side. I am to receive notice of the time when to meet the Kentucky commissioners from the Governor of that State. I have already informed Governor Scott that I presumed our treaty here would be over by the 10th of October and I therefore expect the time he will fix on, will be some time in October, or perhaps by the first of November; in such case the time of holding the treaties would not interfere with each other. I expect by the next mail to receive notice from Governor Scott of the time and place, and should he fix the time so as

to interfere with the time you have mentioned the 30th of November. I will, if agreeable to you, have the time for meeting here put off a few days, so that all circumstances shall combine to the wishes of all parties. There will nothing be lost by having the time of our treaty put off if required to some time in December. If you and the Governor will leave this to me I will do the best I possibly can to arrange the time so as to produce the desired effect. As soon as I receive notice from Governor Scott I will write to you on the subject.

You observe that Governor Sevier seems to suspect that the Cherokees putting off the time of meeting here was done by some designing view to interfere with his convenience to attend. I do not think that any person, either white or red, have had any such views and if they had it will now be best that sometime should elapse after the Cherokee council is over before we meet; because if in this council they should take any measures to oppose the sale of land, a little lapse of time will have an effect to lessen their objections for their minds are never permanently fixed, but are always vibrating like the pendulum of a clock—I shall write to the Governor this day in substance what I now have written to you. . . . If the Governor has not appointed Mr. Link to act as Secretary my son would be well pleased to do the business and thank you for mentioning him in your letter.

I am very respectfully,

RETURN J. MEIGS.

Gen'l Robertson.

(353)

Knoxville, 2nd September 1809.

Sir,—

Your letter of the 17th of August came duly to hand, and I am well satisfied that you think the treaty may now be postponed until the first of December. It has always been my opinion that the longer the treaty could be put off the greater would be the success; the reasons will naturally suggest themselves to you.

I did most cordially wish that the treaty could be held in time for the Assembly to have acted on it, as it cannot, and the Indians first postponed the meeting themselves I am decidedly

of opinion that it will be good policy to prolong the meeting until the first of December and I will write Col. Meigs to that effect. If the treaty be postponed until that time we shall as you justly observe get rid of the company of a number of jealous worthless fellows, who will be then out hunting and their company ought to be avoided as much as possible.

Would it or would it not? be advisable to procure some Indian goods for the use of the treaty, perhaps about one thousand dollars worth. I have thought it might be necessary and answer a good purpose; however, I shall act as you may think proper to advise.

Your friend and humble servant,

JOHN SEVIER.

Gen'l. James Robertson.

(354)

Nashville, 16th June 1810.

Sir,—

Your note made payable to Deaderick & Somerville and discounted in the Nashville bank falls due on the 20th of the present month; it will therefore be necessary that you pay the cashier the amount mentioned noted in the notice, or put in another note for discount on Tuesday next for \$482.16 which sum includes the bank interest for sixty days. If you do not attend to this notice Deaderick & Somerville will have to pay the demand of the bank which will subject them to much inconvenience. I hope it will be in your power to attend on Monday or Tuesday next.

Respectfully,

GEORGE N. DEADERICK.

Gen'l. James Robertson,

Richland Creek.

(355)

Knoxville March 8, 1810.

Dear Sir,—

Col. John T. Smith, who left the federal city the 19th of last month arrived here the evening before last and says that Messrs Anderson & Whitesides were to wait on the President the next

day on the subject of our application for an exchange and that he Col. Smith believed the answer would be favorable. A letter from Col. Meigs the other day informed me that Tallowtisky with a number of families descended the Tennessee a few days ago on their way over the Mississippi to settle. Accompanying this you will receive a Knoxville paper which has a long account about the Mobile country I have sent a paper to each of the printers at Nashville and to Clarksville and Carthage presses also . . . We have nothing under the head of news here . . . No advices yet received from England in reply to the request that the British recall their minister Jackson It would afford me much satisfaction to hear from you often during my continuance here . . . the trade of governing does not suit my genius as well as retirement I am tired of it. I am with perfect respect and sincere regard,

Yours,

WILLIE BLOUNT.

Gen'l. James Robertson.

(356)

Knoxville August 15 1810.

Dear Sir,—

Your favor of the 24th of July last has come duly to hand. I have considered the contents and much approve your ideas of keeping alive the treaty . . . I have been at the Highwassee Garrison twice in the course of this summer and occasionally fell in with some of the people of the Cherokee country, who seem anxious to hear about the Treaty. I find from various information they wish to remove over the Mississippi and will most certainly do so if not prevented by the Government. Two years will carry them chiefly off, which will be an effectual treaty as to Tennessee, as well as a cheap one. The Indians are becoming more and more in love with that new country and it is decidedly my opinion that they cannot be restrained any great length of time from removing to it. I am frequently seeing some of the upper Indians and have no doubt they will continue to favor our views. I shall most cordially act in concert with you and wish you to communicate freely every idea that strikes you on the subject. Some time in the next month I expect to pass down by

the Lowrys on the shoals, probably in the boat with Col. Purdy when the soldiers go down near the mouth of Elk to erect a new garrison. I should be glad then to meet with you if convenient and will write you the time of my setting out.

Your friend and humble servant,

JOHN SEVIER.

Genl. James Robertson.

(357.)

Knoxville April 17th, 1811.

Dear Sir,—

When I see Governor Sevier will answer yours of the 20th of March relative to a meeting of the Commissioners on the subject of the treaty. You have very satisfactorily accounted for your delay in acknowledging the receipt of mine of the 8th of December, which I had feared had miscarried.

The more I reflect on the subject of that letter, the more I am satisfied with the correctness of the opinion expressed therein.

I have reason to believe that measures are in a train of execution at the right place to effect the several objects mentioned in the representation made to the President by our senators and representatives; and the hope is entertained that they will progress as fast as circumstances will admit. The particular state of the arrangement now; or at what time they will be carried into complete effect I know not, but I hope without loss of time—the importance of those objects to us is very great, and of course the more immediately they can be effected the more the best interests of this State will be promoted.

I have a high satisfaction in receiving your assurance, that I possess your confidence in sufficient degree to entitle me to your suffrage at the election next to be held for chief magistrate of this state and for the expression of your belief, that it is the wish of your neighbors that I should offer for that important trust, I thank you; for their confidence I feel myself under greater obligations to them than I will ever be able to discharge—my desire for the welfare of the people at large, and for the prosperity of the State, is second to no man's; but have not the vanity to suppose that I could in any great degree promote them by any exertion of mine; however, if my fellow citizens

who have the constitutional right to select one from among them to fill that office, may be of opinion, that my best exertions to effect those objects can avail them any, the trust when confided to my care would be diffidently accepted, and my best exertions to effect them I know would never be withheld—a rule with me has been uniformly observed to accept office from a sense of respect felt for those who have conferred it on me; but as my attention has been, by inclination, mostly directed towards objects of private pursuits, have felt my incompetency to discharge the duties expected to be performed by a public agent as they should be; and in such case I count on my desire to do right, aiding me in the execution—you are to understand that I never made any calculation on being in public life at all, and unless made over again never shall think it desirable to have public relations in charge altho they are laudable employments—The public agent may do his best and effect but little permanent good—He may do his duty and be charged with a neglect of it; this however is only a public task on him to bear—he may to-day effect much which may be for the day approved, and to-morrow it may be thought wrong and done away to his entire discredit; in a word public duties are hard to perform, and when done never receive the stamp of permanency, and in the nature of things it is not to be expected. It is not so with well-regulated private pursuits; they may be brought to produce at least satisfaction in proportion to their near approach, to what may be compared to something like mathematical certainty, for which reason I have uniformly preferred, as a matter of choice, to be engaged in them.

I have the honor to be with perfect respect and esteem,

Your obt. servant,

WILLIE BLOUNT.

Genl. James Robertson.

(358.)

Knoxville, May 5, 1811.

Dear Sir,—

Governor Sevier's letter of the 2nd instant in reply to mine of the 10th of April which informed him of your reasons of the postponement of the treaty with the Cherokees, says, that he coincides in opinion with you fully—When the President may

order a treaty to be holden with these Indians to effect an exchange of lands, which he will probably do before long, it will be the proper time for us to treat,—at this time cannot say when I suppose he will provide for holding such treaty, but shall advise you of the time according to the information I may hereafter obtain relative thereto. I am very respectfully,

Your obt. servant,
WILLIE BLOUNT.

Genl James Robertson,
Commissioner &c Nashville.

(359.)

Tennessee June 26, 1812.

Sir,—

I received your letter and the talk you give which I never expected, my old friend and father. I am over joy with a word you are to be the guide of our nation as you have been the life of the nation and every chief of the Chickasaws I make no doubt but will feel the same as I do, I hope everything will prove satisfactory in every council. When you go by my house I will take my horse and ride to the king houses and the agency with you.

I am dear sir,

your old friend,
GEO. COLBERT.

Gen. Jas Robertson,
Near Nashville.

(360)

Knoxville July 28th, 1812.

Dear Sir,—

Sometime since I applied to the Sect'y of War for a company of United States Rangers to do frontier duty on the settled part of West Tennessee, and to range between Tennessee and Mississippi rivers within the chartered limits of the State of Ten-

nessee; to guard that frontier, and as far as practicable cut off or check the two frequent intercourse between the Creeks and the Northern Indians on whose friendly disposition towards the United States and towards us no reliance has been, or could by me for some time past be placed, and so far as their conduct furnished the proof of their hostility, let the cruel, barbarous, and unprovoked massacre at the mouth of Duck river by the Creeks on our citizens and the many wanton murders north of the Ohio testify— He authorized me to call Capt. David Mason's company of rangers who had just made a tender under the act of Congress into actual service for that duty, and as he gave no particular instructions and in fact said nothing further about where they were to range, or where they should not, I did under all circumstances immediately call that company into service, and those circumstances as they related to the security of the people not permitting delay, I gave him instructions to range on that frontier and between Tennessee and Mississippi rivers within the chartered limits of this state, and forwarded a copy of my instructions given to Capt. Mason on to the Sect'y of War and observed to him that I had informed Capt Mason that he would act under my orders until the Sect'y of War might otherwise direct—Since which the Sect'y of war has not otherwise ordered. These are facts and circumstances which I presume you had not any knowledge of before this as I am this day informed that Capt. Mason has received a verbal message from you as agent of the United States to the Chickasaws, on which appointment I tender you my congratulations, that he was not authorized to range on the country between Tennessee and Mississippi rivers—Under all circumstances and for the reasons above mentioned I have of this date written to Capt. Mason to continue the range under my former order until otherwise ordered by the Sect'y of War, as he commands a company of rangers raised under the act of Congress, but to treat all Cherokees, Chickasaws and Choctaws as friends that he may find there, unless the contrary would appear to be proper from their conduct, confining his movements within the chartered limits of the State, over which our jurisdiction extends and of course over which the Executive will feel himself bound on all proper occasions to exercise his authority, but more especially will it be exercised when the object is to afford protection against

Indian depredations to the inhabitants of the State. I am with
sincerety and respect,

Your obt. servant,

WILLIE BLOUNT.

Genl. James Robertson,

Agent of the United States,

Chickasaw Nation.

(361)

Oktibbeha Aug. 2, 1812.

Dear Sir,—

I arrived at home this morning and found your letter of the 21st of July. I have just returned from a council that was held at Itala on the 29th where Mr. Dinsmoor the chief and the principal men were present, respecting the murder that Capt Mason and his party committed on a Choctaw on the waters of the Sandy River in the Chickasaw country. When arrived at the place I was informed that on the 22nd the Brother of the murdered Choctaw had retaliated the death of his brother by killing a solitary traveller by the name of Thomas Haley near the town of Hoolatusha unbeknown to his family and the chiefs of this nation, the chief expressed I thought a sincere regret at the headlong folly of an individual (who is but a stripling of a lad) and earnestly desired W. Dinsmoor their agent to make it publicly known that this is not an act of hostility approved by the nation, against the U. S. with whom they always have been, and still wish to remain at peace. To evince further their zeal to secure the confidence of the U. S., Orders were given out & a party appointed to communicate to some banditti of Muskegee of an equivocal character (who have been for sometime hovering on the eastern settlements) to return immediately to their own country. The orders were executed the 30th July. The nation was generally represented at the council, even from the six towns to the Hiyoowassies and the meeting was most orderly and sentiments of friendship and confidence in our government more unanimous than at a former period.

We received a long and friendly talk from our neighbors the Cherokees who wishes very much to make up all old grudges that has been for several years, for they sent tobacco and white beads as a token of friendship and peace, the Choctaws smoked

the tobacco and expressed their wish to be at peace with them, and in their return answered the Cherokees talk. they are to meet near your agency and the agent of the council Mr. Dinsmoor wishes you to attend the talk. the 15th of September is appointed for the two nations to meet. Let me hear from you often it will afford me pleasure to execute any business that you may command me public or private.

I am respectfully,

Dear Sir,

yr obt. servant,

JOHN PITCHLYNN.

Genl. James Robertson.

(362)

Genl James Robertson, and the corps of Invincibles you have the honor to command.

The tender of your services at the serious crisis, when our government has warned us to be watchful, is honorable, not only to yourselves, but the country in which we live—It is interesting and grateful at the present moment—The Executive of the Union, in whom we all have confidence, will not only receive it with pleasure, as a mark of attachment to the government and laws; but the faithful historian of passing times, cannot avoid noticing it, as an instance of patriotism, to be found only in republics; for their support they rest on the opinion and affections of the people. and above all governments, union of sentiments and action is necessary.

Though all citizens must be sensible of the inestimable blessings we enjoy, yet your generous expressions of them, has filled us with emotions of ardour as extraordinary as the occasion which gave birth to them—May all men cherish such sentiments is my sincere wish—Age, in a government of laws and freedom, is entitled to a claim of patriotism, but it is equally entitled to the highest respect from youth—The frost of age and experience is as necessary in the moral as in the physical world. The dissipated attention of men is collected, and the natural relaxation of youth invigorated—Hence our union of sentiments in the position that all men ought to contribute their mite, in some mode to the public good—But when age, in its

wisdom, bounds beyond its ordinary limits of Counsel and admonition, into the hardy field of exertion! My God! how can I express my sensation.

Age, from the immutable principles of the laws of Nature, is entitled to an exemption from continued bodily exertion; but should the danger which threatens our country require your services in the field, it is hoped that the occasion may be temporary, and that you will only be wanting in the field of battle, where your years and meritorious services will be duly considered—There your commander will know that your former services, presence, and bravery, will be equal to a regiment of men;

Accept the thanks of the government and of your General, to whom you have so generously offered your services, with the sentiments of my grateful respect.

ANDREW JACKSON,
Maj. Genl. 2nd Division.

(363)

Washington 5th Jan. 1812.

My dear Sir,—

Your friends here have obtained for you the superintendency of the Chickasaw nation in the room of Mr. Neely. As you did not communicate to me anything on the subject, I am not able to form a certain judgment, whether or not you will accept the appointment, but knowing as I do that you never refused to serve your country when necessary to do so, I entertain hope and desire you will certainly at this momentous crisis not refuse the confidential appointment reposed in you, as I am very certain we shall again have a very trying time—We have been in conclave for the last five days, on matters of the utmost importance to the nation, and very important questions have been finally decided on by the House of Representatives. The affirmative 79; negative 49. The bill is now before the Senate—pray write me on the subject of Indian depredations so soon as your convenience will permit you—It is believed that an adjournment will not take place before the first of next month—There is not any prospect that the British mean to relax in their aggressions—I was with the secretary of War today, who in-

formed me that your instructions have been forwarded—Your friend very sincerely,

JOHN SEVIER.

Genl. James Robertson.

(364)

Chickasaw Agency, August 25th, 1812.

Sir,—

I acknowledge the receipt of your Excellency's letter under date of the 28th ult. by mail and I strictly observed the contents. On my way to this place and on the south side of Duck river I passed Capt. Mason's camp where there were only two men, one of them I knew and thought him a man of some intelligence, a Capt James Wilson, he told me that Capt. Mason was about to set out on another scout on the south side of Tennessee river; as I had never learned by what authority the Captain ranged so far in the Chickasaw lands, nor from whom he got his appointment further than by his return styling himself an officer of the United States; I did inquire of Capt Wilson whose orders Mason acted under; he told me he believed yours. I then told him my opinion as a private person (and by no means under any authority as a Chickasaw agent) that I would advise Capt. Mason if he had no authority in writing from any superior officer to get one before he crossed Tennessee again; that I did believe our state officers had not power to order troops on friendly Indians' lands otherwise than in pursuit of invaders until I got your Excellency's letter and information; will you be pleased to receive my most hearty thanks for the pains you took in giving me such information.

The king and chiefs of the nation direct me to request you in the most pressing manner that no more rangers go on their land until the hunting season is over; that their hunters will be out soon between the Tennessee and Mississippi rivers; that no enemies shall pass through their country with an intent to injure their Brothers the whites, and that if they find any such on their land they will either put their own law in force against them or deliver them to the whites to deal with as they choose, and that it will be much more in their power to discover bad Indians than the whites; and should you permit any rangers to

go on their land, that you have some good experienced men that will not kill their friends without notice, that it might as well have been a Chickasaw as the Choctaw that was killed, when there were only three of them & two of them asleep and a large body of whites which might have given notice—this is as near the tenor of their request as I can recollect; the Chickasaws are very desirous it may be in their power to punish the Creeks under their own law. I do believe that there are no sections of the United States more unanimous in supporting the laws and government of the United States than the Chickasaw people are. I hope to have the pleasure of seeing you in Nashville the last days of Sept. my berth is pleasing to me, it would be troubling you to say any more on Indian prospects as you can judge from the proceedings here and the Creek letter to this nation will be published in the Nashville papers; I had a man with me a few days past who was with Col. Hawkins a month and says the Creeks are very much alarmed; so much for Genl. Jackson's campaign.

With high consideration I am

your Excellency's

most obt. servant,

JAS. M. ROBERTSON.

His Excellency
Governor Blount.

(365)

Franklin 1st, March 1813.

Sir,—

You will be surprised to learn that Leroy Pope, under a Cherokee title has gotten possession of a cave at the mouth of the Elk. When his permission was obtained from the Secretary at war, or upon what suggestion, I have not been able to learn; but I imagine it to be an old one, cloged with some conditions, which he obtained winter before last, through the interposition of Mr. Bibb from Kentucky. This had been presented to the commanding officer at Fort Hampton before, who then refused to let him have possession under it; but has since I presume thought proper to change his opinion.

Since you were here Mr. Eaton went to the cave and was then told by the officer at the Garrison that if you would grant us a permission saying therein that you were authorized to grant it, he would regard it, and suffer us to take possession under it. If you feel yourself authorized to make such a statement in your permission (and I think you are) you will oblige us greatly by sending such a one immediately.

We have been waiting all this winter to get a permission from the Secretary of War, founded upon the documents which we forwarded to him from you, but he, I imagine, was so perplexed by the war which he found himself unable to manage that he had no thoughts but how to extricate himself from a situation in which his vanity had placed him, but which nature had not qualified him to fill. Be the cause what it may, he entirely neglected us; and what is still more strange, Mr. Grundy has not thought proper to return an answer to several letters which have been written him on the subject.

By the last mail but one, I wrote to the present Secretary, Mr. Armstrong informing him of the nature of our claim and referring him to the documents which had been forwarded to his predecessor. He, perhaps may condescend to attend to us; but such a certificate from you, as I have above suggested, if you feel yourself at liberty to grant it, would probably supercede the necessity of any permission from him. But whether you think proper to grant it or not, or to attend any further to our claims which we have so negligently prosecuted ourselves, it seems to me to be absolutely due to the nation for whom you are the agent to cause to be removed, as speedily as possible, those who have intruded upon Chickasaw rights, under a spurious Cherokee claim. Surely a letter from you to the commanding officer of Fort Hampton would be sufficient for this purpose; but if it should not a solemn appeal from you and the chiefs, to the government of your country, could not fail to be listened to and regarded. Pope and his associates are now working the cave, without permission from the only nation authorized to grant it, and without paying rent to either of those who claim it, and if in spite of these facts, and all remonstrances, government will tolerate this, it is perhaps not too hazardous to say that it ought not to be tolerated.

The foregoing observations I respectfully submit to you,

knowing that you will appreciate them correctly and fearlessly proceed upon the subject to which they relate, as you may deem right. I beg that you will write me by the next mail, or as soon as may be convenient, informing me of the course you intend to pursue, and of that which you would recommend us to pursue. Delay may prove dangerous; for in a little while Pope will have rendered the object we are contending for not worth a contention.

Very respectfully,

JOHN REID.

Genl. James Robertson,
Chickasaw Agency.

(366)

In Congress 25 February, 1813.

Dear Sir,—

In this letter I shall not attempt to give you a full notice of all transactions relating to the public—I have just seen Genl. Winchester's letter to the secretary of war; himself, thirty-four officers and about four hundred prisoners was then at Malden—It would be painful to relate the particulars of that fatal defeat; suffice it to state, that the unfortunates had all the cruelties and barbarities exercised on them that savage cruelty could inflict.

Our little Navy continues to be successful and really performs prodigies of valor—The Constitution Frigate commanded by Bainbridge, have recently taken the British ship of 50 guns called the Java, killed sixty and wounded 170. There was a Lieutenant General on board, a number of other officers on the way to the East Indies. The cargo was very valuable a great part of which was put on board the Constitution, but the Java was so shattered and riddled that it could be scarcely held above water until the prisoners could be taken out, which amounted to near six hundred—The Constitution arrived safe into the port of Boston. Captain Bainbridge had only nine men killed, and twenty-five wounded. Our navy astonish the whole world, and promise fairly to rival all that ever fought on the watery element. Our navy have obtained four or five victories over the British which surpass anything ever happening to that nation before. I am

much pleased with your friend Grundy, he is a very useful and active member and appears to have his district and country's good as much at heart as any man living. I don't wish to be interfering with elections out of my own district, but beg leave to name to you that it is my opinion you will not be better represented should you change him for another, and permit me to name to you (in confidence) that it would be gratifying to me would you personally attend at the time of the election as I am informed he will meet a strong opposition, I fear very much the frequent success of the northern Indians will have some influence over our southern neighbors, but I know I need not mention this to you, you being so well acquainted with those people and will take your measures accordingly.

I am dr. sir,
Very sincerely your friend
JOHN SEVIER.

Gen'l Robertson.

(367)

Big Buffalo, April 21, 1818.

Dear Sir,—

I enclose to you a few lines to inform you that I have been trying to find out the principle intruder that is on the land of the Indians. I have also sent a list of their names on to Mr. David Dobbens I believe that he is not willing to return them for fear of some private injury being done him therefor the business lies just so; yet I hope that you will have something done with the intruders for they appear to be settling again on buffaloe as fast as ever Daniel Matthews I believe to be the principle man that is the great cause of so many moving back if he was taken away there might be some more satisfaction than what is for they are stealing and pilfering about so that it's impossible to keep anything for them I also wish to state to you that Mr. Thomas Carter has warranted me for the cabin that he built on buffaloe I wrote to know if it comes under the jurisdiction of a magistrate or not for I am not willing to pay for anything that I never contracted for I wish to know or get answer by the next mail.

I am with respect yours etc.
JOHN McCLEISH.

(368)

Oktibbeha April 27th, 1813.

General James Robertson U. S. agent to the Chickasaws

Dear Sir,—

Concerning our disagreeable situation at present that is to say on acct. of the Creeks being likely to be troublesome in

our country I have been talking to Mr. Dinsmoor on the subject and likewise highly recommended what a good thing it would be for to raise a few companies of Choctaws and Chickasaws for the protection of our frontiers and likewise the whites travelling through our country I am strickly of the opinion that it would be the occasion of putting an immediate stop to their Evil Design taking this to consideration that they would have to fight the red people Like themselves as they were in Defence of the Whites and untill at lenth it would become a national affair and prove the ruin of the Creek nation which I think would be the means of putting an end to their further proceeding on that point. Dear Sir I would be very happy if you think proper to write to the Board of War on this subject Mr. Dinsmoor which is capable of representing the whole of the matter and has promised for to use the utmost of his endeavors to accomplish the desire as within stated your agreeable compliance sir on the within subject will much oblige your

Very humble servant,

JOHN PITCHLYNN.

Gen'l. James Robertson.

(369)

Oktibbeha April 27th, 1813.

Dear Sir,—

On the 24th of this instant I arrived home and found my family much alarmed and confused, as it had been reported that there was a party of Creeks set out for this plase or to kill white people on the Road; on the night of the 25th their was heard the firing or report of five or six guns neare this plase—the morning of the 26th I sent out spyes which returned at night without seeing or finding any Indians in the woods, The spyes discovered where some hogs had been run and it is supposed that the gun was fired at the hogs in there beds for to make provision and perhaps they may change their route by finding us on our gard all though we are but three or four in number at this time.

I shall apply to the chief for four more men if I should discover or hear of any passing through up towards the Columbian road I will send you an express as soon as possible and if you should make any discoveries I will want you to do the same.

I am dear sir yours respectfully,

JOHN PITCHLYNN.

General James Robertson.

(370)

On the 10th of October 1813 crossed Tennessee river bound for Huntsville, M Territory in company with a Mr. Absolem Hendrick, and Humphrey Hendrick; the next day October 11th arrived at the widow Hayes old plantation where we were fired on by about twenty Creek Indians as I supposed as I did not see any of the persons that fired on us, this happened about twelve o'clock in the day, these people were secreted in the weeds and high grass. Absolem Hendrick and Humphrey Hendrick were ahead and myself behind. Absolem Hendrick was shot dead off his horse, Humphrey was also shot but turned his horse back and come about 50 yds and fell off his horse on the ground, got up and staggered to one side of the road; by this time both of the horses got ahead of me and I drove them with all speed to Colbert's ferry where I arrived after dark—After these two men fell off their horses the saddlebags must also fell off as they were not on the horses when they came by me. As to the quantity of money they had I know nothing about, the old man Absolem had a note of hand on a man in the M. Territory for upwards of \$300—As to the quantity the other man had I know nothing about—I shall by the consent of Maj. Colbert ride Absolem Hendrick's horse as mine is not able to travell. I shall keep him safe and deliver him to the proper owner on application.

My father John Thompson a native of the Cherokee nation lives or did live in 20 miles of Huntsville about two years ago, I am not positive he lives there yet—My own mare and Humphrey's horse I shall leve with Maj. Colbert. Humphrey's saddle and bridle also. As I lost my saddle and bridle immediately after we were fired on I shall also take Absolem Hendrick saddle and bridle which I hold myself accountable for. The manner in which I lost my saddle and bridle was this. After I got about 2 hundred yards from where we were fired on I got off my mare, she being lame and very low in flesh, put my saddle bags on Absolem's horse and came on—I saw my saddel fall off but had not time to take it up.

This is a true statement of the case.

Signed

CHARLES THOMPSON.

(371)

Nashville 22nd Oct. 1813.

Dear Sir,—

Altho unknown to you I am induced by particular circumstances to trouble you with this letter. Being a stranger in this state and unacquainted with the forms which it might be

necessary to use were you to be formally addressed in your official capacity, you will be so good as to make the due allowances, and excuse the liberty I take in addressing you as a fellow citizen.

Alexander Brevard whose son and agent I am, owns a tract of land on the Tennessee river about ten miles below the mouth of Duck river—In this tract is situate the parcel of land upon which stands the town of Reynoldsburg, the said town approaching within a few rods of the river bank.

It is said by persons who ought to be well acquainted with such matters, that a road from Natchez by way of Reynoldsburg would be much more convenient to a great number of people (perhaps one half) who trade down the Mississippi and return by land than the present road by Colbert's ferry. This fact renders the people of Humphreys county extremely anxious that a road should be opened to cross the Tennessee at that point. As such an arrangement might also be somewhat, perhaps considerably, to the advantage of the owners of the land around this town and along the river It is natural also to suppose that I am not indifferent to this subject. And to endeavor to have this business carried into effect is the reason of my now addressing you.

You will sir greatly oblige me by instructing and aiding me in this business. If you can benefit a number of your fellow citizens by affording them a nearer route to their homes from a distant market, thereby alleviating the toils and anxiety of a fatiguing journey without injuring the people over whom you have in some measure the guardianship and protection, I feel confident sir that you will proceed with zeal and alacrity in doing so. And the case under consideration I take to be one of this kind.

My purpose is to be perfectly fair with the Indians. They own one side of the Tennessee river and I own the other—it is therefore reasonable that each of us should have a share of the profits arising from any ferry which might be established between our respective possessions. Or if they should look upon it as troublesome or not safe to attend to a ferry at such a distance from the body of their settlements and at a place where the whites are so hostile to Indians I would agree (provided the sanction of the general government can be obtained) either to purchase some land for a landing place on their side of the river or to pay a stipulated salary after the ferry shall have become productive.

You will, however, I feel assured sir from your general character—act a friendly part towards me as well as a fair one to the Indians. I am a very young man—entirely a stranger in this State, being but a few weeks from N. Carolina—and unacquainted with and averse to practice the chicanery and fraud which too frequently marks speculations in this State—I wish to

act with candour and good faith by the Chickasaws, and it is desirable to me that we should understand each other as soon as possible.

If you will sir be so good as to inform me of their sentiments on this subject—whether they are willing or unwilling for the proposed road and what would be their stipulations concerning the ferry and also give me your directions how I am to proceed to bring this business to a conclusion one way or another, you will sir confer an obligation for which I shall feel grateful.

I am unwilling sir to trouble you farther, but I have been informed that you were with Henry Rutherford and others at the time those tracts of land on the Tennessee river near to and below the mouth of Duck river were located. You will lay me under additional obligations if you will take the trouble when you write to state whether you distinctly remember that the concluding corner of John B. Ashe's and the beginning corner of Joseph Brevard's tracts were one and the same as called for in the Platts and as John Tate will further testify by oath if necessary. My reason for making this request is that Henry Rutherford wishes to interpose a tract of land of his own between the two tracts mentioned (having sometime ago entered it as vacant land) contrary to the calls of the grants and platts, and contrary to the manner in which the other tracts located at the same time were laid off.

By attending to these requests,

You will greatly oblige,

Sir

your friend & Hl sr.

JOHN F. BREVARD.

General James Robertson.

Be so good as to direct to Nashville if you favor me with an answer.

(372)

Oktibbeha Dec. 1, 1813.

Friend & Brother.—

I am going to address you with a short friendly talk, which is also intended for my brothers the Chickasaws with whom we have always linked hands. When I left my house for this place I heard there was a small war party starting for this place and my heart was full of joy in the hope of meeting them here. When I arrived here I learned that the party had been called back by their head men and it is always the duty of men to obey their chiefs

I have heard also that you have received ammunition from our white brothers I hope you will not let it lay idle long but use

it as I am going to do mine immediately. It may be urged that we are not ready on account of our people being scattered out—it is the case with my people, but the way to make them in a hurry to move is to commence the war as I am going to do, for if we wait six months all will not be ready—If the war party had come I had something to say to them which I will not mention now.

I am your friend and brother,

TOOTE MASSATABBE
(Mingo)

Genl Robinson and the Chickasaws

delivered to the subscriber as Interpreter for the Choctaws.

JOHN PITCHLYNN.

(373)

N. Carolina

Fayetteville 10th

February 1814.

Genl. James Robertson,

Dear Sir,—

Your kind and very much esteemed favor dated at Nashville November 20th 1799 in regard to the lands you surveyed for the late Matthew Ramsay was duly received. The tract on Stones river which was taken away by prior rights I have sometime past obtained warrants for and disposed of them, the other tract of 3300 acres on Obion river was surveyed by you for Mr. Ramsay assignee of John Gray and Thomas Blount September 28th 1785. Johnathan T. Robertson and William Bush Chain bearers; it is in respect to this last mentioned tract I am desirous of obtaining from you some information. In the letter you did me the favor to write you informed me that it was excellent land but lay in the Chickasaw country; now I shall be very much obliged if you will give me the information you possess relative to this tract; can the beginning or other corners be identified? will you or either of the chain bearers shew them on satisfaction being made for trouble? are the chain bearers living? have they families and in what part of the country do they reside? is the state of the Indians such as will with safety permit a view being had of the land? It is my intention to go or send a man as soon as it can be done with safety to, identify this tract.

You will in a particular manner oblige me by writing me an answer as soon as possible and direct your letter by mail at Fayetteville N. Carolina I would greatly prefer paying the postage than trust to a private conveyance. Your prompt and early attention to the above will add to the favors rendered.

Your friend

& most obt. servt.

B. WILLIAMS.

(374)

Fort Pickering Feb. 13. 1814.

Dear Sir,—

On my arrival at this place I found the situation of the Public store and the annuity left destitute of any protection. I have ordered a detachment of the 7th Regiment to take command of the Post, and also all the public property at the Post until further orders.

You cannot conceive sir my astonishment on my arrival here of the disagreeable news of the Chickasaws killing some of the friendly Indians of the United States, in the neighborhood. I am fully convinced that such conduct will not meet your approbation and that you will use your influence to check such conduct in the future if possible. I am sorry to inform you that Mr. Allen Post master in the Chickasaw nation has wrote a letter to Mr. J. Fletcher in which he insinuates that Judge Fooy and the inhabitants of this place is hostile to the United States. I have got a copy of his letter which will be transmitted to the War department. During my acquaintance with Judge Fooy, which has been for a considerable length of time, I have always found him to be a man truly faithful to any government that he has lived under.

I am respectfully
your humble servant.

Genl. James Robertson,

R. SPARKS.

Agent for the Chickasaws.

(375)

Choctaw Agency 4th July 1814.

Dear Sir,—

We have just finished our fourth of July dinner and are just ready to drink a toast to the last retreat of Bonaparte. Col. McRee and myself are laughing at the coincidence of the fortune of Boney and myself about the time I superceded Col. Mc Boney was made or rather made himself Emperor of the French &c. We Bourbons now received him and McRee precedes me. "How finely we apples swim."

Will you be good enough to take the affidavit of John Gilchrist relative to a very white mare which he let Billy Hayes have. The mare strayed and is in the neighborhood of Washington. Hayes has seen her but cannot recover her without the testimony of a white man. Send the deposition to Col. McRee at Washington M. T.

Yours

General James Robertson.

SILAS DINSMOOR.

(376)

Nashville July 11th, 1814.

Dear Sir,—

In reply to yours of the 7th of June I have only time to say that I suppose if the rolls of the Chickasaws who guarded the ferry and road under your order are made out and certified by you to Genl. Flournoy and by him to the Sect'y of War together with a copy of your order to them to raise guards for that service transmitted with the rolls to the war department there can be no doubt but that they will be paid.

I am with much respect and sincerity

your friend

Genl. James Robertson,

WILLIE BLOUNT.

U. S. Genl. Chickasaw Nation.

BOOK NOTICE.

History of Tennessee, Its People and Its Institutions. By William Robertson Garrett, A.M., Ph.D., Professor of American History and Dean of the Peabody Normal College, and editor of the American Historical Magazine, and Albert Virgil Goodpasture, A.M., formerly Clerk of the Supreme Court of Tennessee. Nashville, Tenn. Brandon Printing Company, 1900.

This is the title of a book just issued from the press of the Brandon Printing Company. It is a work of 352 pages, and covers the entire history of the State. Beginning with the early Indian legends, it traces the settlement, the colonial and Federal relations, the political, social, and military history of Tennessee to the present time.

In the preparation of this work the authors have had free access to the archives of the Tennessee Historical Society and of the library of the University of Nashville. They have, thus, been enabled to present many facts heretofore unpublished, and to correct some errors which have gained credence.

A valuable feature of this work is the chapter which gives a synopsis of the various treaties by which the title to every foot of land in Tennessee was acquired from the Indians. This chapter is illustrated by a colored map showing the location of all lands in the State acquired by these several Indian treaties.

Another special chapter gives the history of the school lands, with a map showing their location. The history of internal improvement legislation, of education, of institutional legislation, etc., are treated in special chapters, in addition to the chronological treatment in the progress of the narration.

The book contains valuable appendix matter—the Constitution annotated to show the changes of the several Constitutions—a carefully prepared bibliography of Tennessee history and biography, and a manual of famous Tennesseans.

EDITORIAL NOTES.

With this issue of the magazine terminates the series of papers called the Robertson letters. While some of them have no great importance or interest, it has been thought proper to publish all, lest the omission of a part might break the chain of current events which they record. So many of them are written by or addressed to men who occupied high official position or who were closely and actively identified with the early history of Tennessee, that the letters may be properly classed as state papers. Some others, owned by the Historical Society and not included in the two bound volumes so fortunately preserved by the late Prof. Nathaniel Cross, may be published hereafter. So many of the letters from public men contain expressions of confidence in the integrity of James Robertson and his ability to deal with the delicate questions which he had to solve, that they practically constitute a monument to the man.

So far as the writer can recall, there were only two occasions in a life full of action where he was subjected to serious criticism. One was when some objections, possibly frivolous, were made to the manner in which he had constructed a public road for which he had contracted, and the other was for the undertaking, without authority from the government, a campaign against the Indians, whose incessant cruelties had driven Robertson and the settlers to desperation. His campaign secured peace, the men who served in it were paid for their services, and Robertson held afterwards, practically as long as he lived, a responsible government office.

Hon. A. S. Colyar, of Nashville, on the 23d of the past month celebrated his eighty-second birthday by a dinner, at which some twenty-five or thirty guests, the majority of them young men, were present. He stated in a short after-dinner speech that the principal object of the occasion was the formation of a Jackson League, whose purpose would be the vindication of Jackson's

character from unjust criticism and defamation, and which would carry on the work he had begun should his hands grow too feeble to complete it. He said that Tennessee dare not longer neglect the obligation resting upon her of making a truthful record of the deeds of her greatest son.

Those who have read Col. Colyar's articles on Jackson know their value. Notwithstanding his advanced years he has put into this work the same vigor of thought and language which has marked every period of his long professional and political life. It is understood these articles, when completed, will be issued in book form. The Jackson League was organized with Mr. Ed. A. Price, President, and Mr. Chas. C. Trabue, Secretary.

The Scotch-Irish Society of America met at Knoxville, June 7--10. Among the more noted visitors present were Dr. John S. MacIntosh, of Philadelphia; Professor George McCloskie, of Princeton University; Mr. John McIlhenny, of Philadelphia; the Rev. Nevin Woodside, Mr. Rutherford, and Dr. Shaw, of Pittsburg. Judge Oliver P. Temple, the newly-elected President, conducted the meeting.

Dr. MacIntosh and Dr. McCloskie made addresses on the deceased President, Robert Bonner. Dr. MacIntosh also spoke learnedly and delightfully on Ulster superstitions. Addresses were made by Dr. Woodside on Capt. John Nevin and certain other Scotch-Irish worthies; by Dr. James Park, on Rev. Hezekiah Balch, and by Joshua W. Caldwell, upon "Four Scotch-Irishmen," viz.: Andrew Jackson, James K. Polk, John Bell, and Hugh Lawson White. This last address emphasized the importance of Tennessee as a political factor between 1830 and 1850, and outlined the parts played by the four men named.

The meeting was in every way a successful one. The papers read will appear in the annual volume of the society.

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No. 4.

ROCK CASTLE.

The following extract from Garrett and Goodpasture's History of Tennessee, recently issued from the press, points out the two important lessons of history which are taught by the fine old farmhouse, Rock Castle, which is still standing in Sumner County, Tennessee :

“An atrocious outrage occurred April 21, 1794, near the northern boundary of Tennessee, in a locality which might have been supposed secure from attack. The two Bledsoe boys, both named Anthony, each of whom had lost a father by the hands of Indian banditti, one the son of Col. Anthony Bledsoe, and the other the son of Col. Isaac Bledsoe, were killed on Drake's Creek, in Sumner County, by a band of Indians supposed to be Creeks. Their mangled bodies were found, partially stripped of clothing, and scalped. A negro man named Jack, who accompanied them, was captured and carried off by the Indians. The murder of these promising boys, who were beloved by all who knew them, caused deep grief and resentment among the settlers.

“The narrative of the murder of the Bledsoe boys has established, incidently, two important facts. Our early historians have neglected to record the statistics of industrial improvements and of education. We can learn of the former only by a few permanent landmarks, which stand as monuments, and tell their own story; and we learn of the latter only by tradition, aided by occasional incidental allusions of contemporaneous writers. The record of the murder of these two boys testifies to the facts that

the fine old farm residence, 'Rock Castle,' was built previous to 1794, out of rock quarried in the neighborhood, and that country schools had been established outside of Nashville previous to 1794.

"Gen. Daniel Smith was born in Fauquier County, Virginia, October 29, 1748, and died at his residence, Rock Castle, in Sumner County, Tennessee, June 16, 1818, and is buried in the family cemetery near his residence. He was an accomplished civil engineer, and was one of the commissioners of Virginia in locating the line which is now the northern boundary of Tennessee. Subsequently he removed to Tennessee, and became one of the most distinguished of its pioneers. He served as Secretary of the Southwest Territory, as United States Senator from Tennessee, succeeding Andrew Jackson, as commissioner in treating with the Indians, etc. He was the author of a geography of Tennessee, containing the first map of the State made from actual surveys, published in Philadelphia by 'Matthew Carey, book-seller.'

"He located an extensive grant of land on Drake's Creek, near Hendersonville, in Sumner County. This tract of land has never passed from his descendants, or been divided. It is now the property of his great granddaughter, Mrs. Horatio Berry. After being increased by the purchase of adjoining lands, it contains more than four thousand acres, and is one of the most magnificent estates in Tennessee. Upon this tract, Daniel Smith built the stone house, which was famous in its day, and is now historic. It was built under his own supervision from rock obtained from the 'stone quarry' which he opened a few hundred yards from the site. The stones were cut and laid with such precision as to form a structure perfect in workmanship, and so substantial that not a crack in the walls can be found to-day. Though old-fashioned in style, it remains a monument to the engineering skill of its builder.

"According to the family legends, the house was built in 1784. F. A. Michaux, who traveled through the country in 1802, and published a book in London in 1805, says: 'Stopped at the house of General Smith, one of the oldest inhabitants of the country, where he had resided fifteen or sixteen years.' This confirms the family legend. Michaux also says: 'We likewise saw, *en passant*, General Winchester, who was at a stone house that was

building for him on the road; this mansion, considering the country, bore the external marks of grandeur.' The sad fate of the Bledsoe boys has placed on record that it was finished before 1794; for they were boarding in the house, going *to school* in the neighborhood, and were killed at the quarry on their way from school. As there is no record that there was any person at the quarry to take part in the fight, or to discover the presence of the Indians, it may be inferred that the work had been finished, and the residence completed."

Since the publication of Garrett and Goodpasture's History, the following letter to General Smith from his wife has been discovered in the archives of the Tennessee Historical Society. This letter shows that the residence was not completed July 20, 1793:

"Sumner County, 20th July, 1793.

"*Dear Husband:*

"I still find myself under the disagreeable necessity of conversing with you on paper or not at all. I received yours by Mr. Overton and this is the first opportunity I have had to answer you. There is nothing amis in the family. The building goes on but slow owing to divers causes. There is no sawing done by Captn. Smith as yet, nor can I get any others to saw at as reasonable a rate as you gave for what is done. Majr. Donelson is the cheapest and he asks 6, 3 & 10 / for poplar Walnut and Oak p. hundred. Wm. Stamp has not worked any on the house for these five weeks owing to the illness and Death of his eldest child, but he has moved his family to this place in order to be convenient for the work. The masons work appear full forward for the preparations made for joiners. Nothing done toward the shingles. The Indians are still troubling us, this day (as I am informed), Hayses and Donelsons stations brakes, the Indians have killed two of the young Castleman & wounded old Honnis. I fear mortal. And on tuesday last wounded one of the Cambells. Beyond Town it is trewly unlucky for this side of the River from this to Neely's bent, that the Indians have killed Samuel Hays. I do not recollect any more mischief done by them lately. I must conclude with the love and duty of a wife, and with impatience and anxiety wait and wish your return until which time I'll say no more but adue.

Sallie Smith.

[Box S. 1, No. 93, S.]

[The progress of the work is further explained in the two letters, given below, written by Mr. Smith Hansbrough, one of the workmen on the house, and directed to Gen. Daniel Smith at Knoxville. From archives, Tennessee Historical Society, Box H, Nos. 12 and 13.]

July 20th 1793

Sir: Meeting with an opportunity to write to yo I imbraace it to inform you of affairs on Cumberland, the walls is generally about a foot above the bottom of the windows though they would have been farther on if Mr. Stamps had been at work he now is bad with a fall from a horse he has not laid a stone for five weeks. the first story of fraims is all in and that took all the stuff I have went to the Ceders and got more stuff, I believe we shall not Get much sawing done Before you come home for pain has not sawd any thing but the joists for the Citchen and a stoek of lintells and split some stuff for window fraims as for David Smith I have never seen him since you have been gone but I wrote to him agreeable to your De-rection and he wrote back to get other sawers and he would pay the Money I have been badly fixt to Get the fraims made my eye has been so bad though I kept out of their way by Geting John to Assist me I think to go to the Ceders next week to Geting shingle stuff and try to Get the L part finisht this fall though I am afraid the wall wont all be up this season, we are apprehensive of Danger from the Indians here for they were at the mouth of Mill Creek the night before last and wounded a man within half a mile of town, samuel hays station is brook up and John Donisons I expect will in a few Days, we are Generally healthy at present, and Remain Yours to Command

SMITH HANSBROUGH.

September 15th 1793

Sir: I imbraace this opportunity of writing to you by Mr. Rober-son to inform you of Matters Concerning Your building it gos on Very slow one side of the L part is Leveled of fit for the joists and I expect the other will next week but the other part of the house is not as high as the windows I have made a Beginning to Get shingles but it seems to be a tedious Job to Get the stuff home for there is more wast in it than any stuff I ever workt, if you have any spedy opportunity to write Ant wants to know where you would chose to have your wheat sowd as it is time now to sow it, we have been Very peaceble here this summer and I dont here of any Mischief been lately done and Ant wants to know when you think you can Get to Come home we are all well at present and hope you are in the same happy ste, and so conelude by being your friend and Humb. servt.

SMITH HANSBROUGH.

AN EARLY SURVEY.

[From the archives of the Tennessee Historical Society, Box S., No. 77 S.]

Territory of the U. States So. River Ohio
Sumner County.

By virtue of a warrant from the Commission for selling the Salt Licks and springs pursuant to an Act of the General Assembly of the State of No. Carolina, entitled "An Act for the sale of the Salt Licks and springs with the adjoining land within the District of Mero" passed in the year 1789; I have surveyed for Stockly Donelson, Assignee of Thomas Overton, the original purchaser, agreeable to the said act, six Hundred and Forty Acres of Land, commonly called Drakes Lick. To wit: On Cumberland River, beginning at a small creek, on the said River, above the mouth of the Lick Branch Creek, running thence East four hundred and fifty-two poles to a black Oak, thence, South three hundred and twenty one poles to a Hickory, thence West one hundred and eighty poles, to a black oak on Danl Smiths line, thence along his line North one hundred and seventy two poles to two Dog Woods, thence West along the said Smiths line three hundred and eighteen poles, to a cedar and white oak on the river, thence up the same with its meanders to the beginning, including Drake's Lick.

John Donelson

— Aug., 1790.

By Danl Smith.

RELATIVE TO INDIANS.

[From the archives of the Tennessee Historical Society, Box S., No. 78 S.]

Abingdon, May 24, 1793.

Dear Sir

The meeting of the Cherokees had not a few days ago decided the question whether they would accept the President's invitation or not. 'Tis likely they will not, at least I hear nothing

like it as yet. They are much agitated with different embassies from the Chickasaws, Creeks and also from the Shawanese.

The Knoxville Gazette which doubtless you get, will give you more particular news of this place and you know 'tis authentic.

Major Beard's party on their way out to Cumberland fell in with the rear of that party of Indians on their return home which had just before attacked Greenfield Station. They killed an indian (Creek) and wounded another. This is a fact which has not yet been published.

On the 19th instant there was information at Knoxville (via Cherokees) that Mr. Seagrove had made a demand of the Creek nation of those indians who had been committing depredations in Georgia particularly on his brother's store, and that the Indians had agreed to give up about six of the perpetrators. I suppose this is not strictly true, for this reason—Mr. Seagrove I understand to be agent for the Creek nation—would he then make a partial demand for only aggressions committed on the State of Georgia, and take no notice of the many enormities committed on the Territory S. of Ohio?

I am D. Sir

Your most obedient humble serv't

David Allison Esq.

Dan Smith.

ESCORT DUTY.

[From the archives of the Tennessee Historical Society, Box S., No. 88-S.]

This Certifies that Underhill Ellis a substitute for George Suggs has served 45 days on the gard to conduct families from the lower end of Clynch mountain to the settlement of cumberland it being his tower of duty and is now discharged from the same given under my hand this 23 day of Octo 1788

Thos Smith Capt

Micah Kirkpatrick agt.

Davidson county.

EDUCATIONAL.

[The following letter from David Allison to Gen. Daniel Smith, throws some light on the condition of the schools of the period. The reader may judge whether the cowhide was to be used for educational purposes. The letter is filed in Tennessee Historical Society, Box A, No. 2.]

Knoxville November 28th 1793

Dear Sir:

I recd your favour by Colonel Winchester enclosing receipts for the Sumner Rangers for which I have to thank you for your friendly attention—I found Norris's power where you left it and have paid the money—

I have some Greek and Latin Books at the Judges which he writes me are wanting for your academy if so they are at your service, I do not know the price at present but they shall not be over the standard for similar things.—

If the Trustees will dispose of the Terry ground and the small field belonging thereto I will purchase, and furnish such articles as they may want from Philada. at a moderate advance

Write me on this head

I am sir with respect

Your obt serv

DAVID ALLISON.

I send your Cowhide by Capt Blackmore.

GENERAL JAMES ROBERTSON AND THE SPANIARDS—A FRAGMENT OF UNSIGNED HISTORY.

[The following fragment is filed with the archives of the Tennessee Historical Society, Box R2, No. 117. It is without date or signature. It is in the handwriting of the historian, A. W. Putnam. He is mistaken as to the date of Miro's letter. Instead of 20th April, 1783, the letter was dated 20th April, 1789, and may be found with facsimile of the date, page 87, volume 1, No. 1, of this magazine.]

It is certain that the idea of capturing New Orleans, had not been limited to the small and anomalous State of Franklin, nor to a few individuals on the Cumberland or in Kentucky—though it has never been ascertained that any organized plan or conspiracy for such a purpose had been formed: The general government was somewhat alarmed by the presentation of a private letter in Sept. 1787 at Charleston S. C. by John Sullivan to a distinguished artillery officer of Maryland—in which he says “there will be work cut out for you in the Tennessee country. I want you much. Take my word for it, we shall be speedily in possession of New Orleans.”

This induced the War Department to send Genl Harmar to make enquiries & if he discovered such movements, to suppress them; he discovered no act which he could report as hostile.

Judge Haywood in his History of Tennessee makes the following remarks: “As the affairs of the Cumberland settlers seemed to brighten, the Spaniards became sullen. They began to intimate that their territorial limits towards Georgia included the greater part of the Creek nation, and that the boundary of their territory was several degrees north of latitude thirty one. Whilst these States were in the childhood of independence, the conduct of the Spaniards towards them implied that they had not yet acquired any knowledge of international law, or were too weak to resent the infraction of its rules. It is an obvious law among nations, that one sovereignty shall not treat with inhabitants residing upon the territories of another, nor take them under protection,—much less receive from them a stipulation, that its governmental orders or municipal laws shall be obeyed by them. Yet now such was the conduct of Spain towards the State of Georgia. On the 1st June 1784,

in the fort of Pensacola, Governor Mero, Governor Oneille, and Don Navarro, on behalf of the Spanish crown, on the one side, and Alexander McGillivray, for the Creek nation, on the other, made and signed a treaty, by which the Creek nation engaged to maintain inviolable peace with the Spaniards; to expose their lives and fortunes for the King of Spain; to obey the orders which should be received from the Governor of Louisiana or Florida, and the laws of the great King of Spain, in points compatible with the character and circumstances of the Creeks, who should conform themselves to the municipal usages and customs established or to be established in Louisiana and both Floridas."

Among other engagements specified in this treaty, the Creeks were "to arrest all strangers coming into their territory or country, suspected of hostility to Spain, and not to admit into their towns any white persons without Spanish passports.

Judge Haywood remarks that "as the Creeks promised in all things to obey the Spanish authorities, they would certainly have kept the peace with the people of Cumberland, had any such orders been given; and as their conduct was otherwise than peaceful, the inference is not very favorable to the machinations of the Spaniards.

Col. Robertson had suspicions that Spanish jealousy was the cause of Indian hostilities, and he accordingly pursued all such measures as were best calculated to inspire the Spanish officers with confidence in the amicable inclinations of the new settlers on Cumberland.'

This induced him to write various letters to the Spanish governors, to Portell, to McGillivray and to others; and as also to send Mess. Hoggatt & Ewing on their mission to the Creek chief.

In a letter written by McGillivray at Little Tallassee, Apl. 4. 1788, he says,—“I will not deny that my nation has waged war against your country for several years past, and that we had no motives of revenge for it, nor did it proceed from any sense of injuries sustained from your people; but being warmly attached to the British, and under their influence, our operations were directed by them against you, in common with other Americans” McG. concludes with many professions—and avowals of candor & probity—which Judge H. says “are seldom the best evidences—the maxims of prudence & principles of law, require some proof to be adduced.”

On 20th Apl. 1783, Mero, Brigadier General and Governor of

West Florida and Louisiana, wrote to Col. Robertson with many professions of friendship, and invited him to remove from the Cumberland and settle in Louisiana,—assuring him that he should not be molested on account of religious sentiments; should not be called on for any taxes, and should find a ready market for his crops;—stating that the planters at Natchez had availed themselves of these terms, and were greatly prospering thereby.

In the year 1787-8, there was much excitement among the people of East Tennessee relative to the conduct of the Spanish authorities in restricting or closing the outlet of the Mississippi river, and propositions of invasion of Louisiana & for the capture of New Orleans were earnestly discussed: Col. Robertson thought proper to write to the Baron de Carondelet to assure him that the settlers on the Cumberland river entertained no such projects: And yet the members from Cumberland in the Legislature of North Carolina in this year 1787, openly denounced the unfriendly proceedings of these Spanish officers among the Indians & on the Mississippi.

REPORT OF COLONEL ASHTON.

[The following report is an interesting relic of the American Colonial Society, and gives an account of the killing of Don Miguel. It is filed in the Tennessee Historical Society, Box A, No. 37.]

City of Washington Aug 20. 1830

To the Board of Managers of the Am. Col. Society:

The undersigned to whom was referred the proceedings and report of a Court of Inquiry held on the 8th of April 1830 upon the affair of Little Bossa in the colony of Liberia in which Don Miguel a Spanish adventurer & slave trader lost his life in an attempt made by Capt. William Thompson of the American Colony & others of the said colony to break up a slave factory established within the said Colony by the said Don Miguel; begs leave respectfully to report; that he has attentively examined the Depositions and other statements made before the said Court of Inquiry and finds that the said Don Miguel had the reputation of being a Pirate, who had collected a desperate gang of adventurers at Havannah and at other places and established himself and his gang at Little Bossa, for the purpose of carrying on the slave trade. That the said Don Miguel had frequently insulted the flag of the United States & interrupted the fair & lawful navigation of the citizens of the United States & the Inhabitants of the American Colony of Liberia, that said Don Miguel had also been frequently heard to threaten the said Colony with destruction and with an army which he pretended was to be sent to him in exchange for the slaves which he should send out from his factory. That said Don Miguel had collected together a large number of the Native Africans at his said factory for the purpose of exporting them as slaves and had treated them with great severity and barbarity killing some and cruelly beating and maiming others. That said Don Miguel had forcibly & fraudulently compelled & seduced the ruling power of the Territory of Little Bossa to execute and sign a written contract for the sale of a large quantity of Land in said Territory, upon which his said factory was established, & compelled said ruling power to accept in payment therefor sundry articles of little value. That after the

said pretended purchase, said Don Miguel drove away from his said factory several of the American colonists, declaring that he would entirely break up all trade between the colonists and the natives in that settlement. That some time before the 1st of April last, said Don Miguel went with an armed force to Ballom Town, which is but a short distance from his factory in Little Bossa; and which was the residence of one F. White, to whom a Boat of the value of 100\$ had been given, some time before, by two American Sailors, as compensation for their Board & Accommodation. That said Don Miguel upon going to Ballom Town, demanded of said White to surrender to him the said Boat, for the price of two Doubloons, which he offered him; that said White refused to sell his boat for that price and demanded 100\$, which said Don Miguel refused to pay, but forthwith threw down the two Doubloons and forcibly took away the said Boat from said White, together with all its equipments, & carried it off to his own vessel; and afterwards sent for said White and compelled him by _____ and threats to sign a bill of sale for said Boat and her equipments to him.

That some short time after the said affair of the Boat, Capt. William Thompson, a Colonist and one of the persons tried by said Court of Inquiry, had a conversation with Dr. Meehlin the then colonial agent on the subject of Don Miguel and the said affair of the Boat. That in said conversation the said agent strongly reprobated the conduct of said Don Miguel in relation to the said affair of the Boat and his other unlawful interference with the affairs & citizens of the said Colony, intimating his general suspicions of him and a wish that his factory could be broken up & he driven away in such a manner as not to implicate the Govt. authorities of the colony, and giving said Capt. Thompson reason to believe that if he could, by any means not connected with the Govt. authority of the colony, avenge the wrongs done by Don Miguel to the colonists & the native Inhabitants of Little Bossa; break up the afore-said slave factory, and compel Don Miguel to leave the settlement & the coast: that no harm should or would be done to him the said Capt. Thompson on that account; but always refusing to take any part himself or in any manner compromit the interests of the colony, so far as the Government authorities might be involved.

That after the said conversation; about the 1st of April; said Capt. Thompson having induced about 20 persons to join him in the enterprize, embarked an armed force on board of one of the

vessels belonging to the colony for the avowed purpose of making an attack upon the factory of Don Miguel, which was enclosed in what is called a Barricade; and of breaking up & plundering the said factory; and enlarging the natives then imprisoned for exportation as slaves. That pursuing this design the said Capt. Thompson with his armed force sailed to Ballom Town, and landed with one or two of his party, and went to reconnoiter Don Miguels fortification, which, finding it then too strong for an assault, he left for the time, and returned on board his vessel, which proceeded on a trading voyage further down the coast to Grand Bossa. That after accomplishing her object at Grand Bossa the vessel sailed on her return voyage and stopped again at Ballom Town. That on the night of the 2d or 3d of April last the said Capt. Thompson landed with all his armament near Ballom Town, and proceeded to make the contemplated attack upon the fortified factory of Don Miguel. That Don Miguel and his party expected the said attack and was prepared to receive the assailants. That Capt. Thompson and his party did not contemplate any violence or bloodshed & determined that there should be none, unless rendered necessary by a violent resistance. That when Capt. Thompsons party invested the Barricade they found their adversaries armed with muskets and a piece of artillery, and ready to defend themselves. That Capt. Thompsons party was fired upon from the Barricade before they approached near to it, and after they got up to the enclosure. That they forced their way into the enclosure by cutting down part of the Barricade and upon entering found the besieged getting ready to fire upon them with their artillery; from which they deserted, upon the entry of the party, & fled from their quarters; some of them running around the House of Don Miguel, were pursued by one of Capt. Thompsons party named Steward who attempted to fire his musket at them which missed fire, whereupon Don Miguel fired a pistol at the said Steward & wounded him, which led to the firing of three or more muskets, by which Don Miguel and a native boy were killed, and one of Don Miguels men, a Spaniard was wounded: which put an end to all further resistance. After the submission of Don Miguels party the other proceeded to break open the slave prison & enlarge the prisoners, that done, they proceeded to set fire to the factory; which was prevented by the ruling power of the Territory, who with his subjects proceeded to plunder the factory and carry off every thing which they could, belonging to Don Miguel.

That no further personal violence was done by Capt. Thompsons party, which withdrew shortly after the affair was thus terminated, carrying along with them what plunder was left by the natives which amounted to a mere trifle.

It will be proper here to state also that Capt. Thompson appears to have consulted with the ruling power of the territory, upon the subject of his contemplated attack upon Don Miguels factory before he entered upon the enterprize, and that the said Ruling power made no objection to it, & promised that he would not take any vengeance if the enterprize should be accomplished; declining at the same time all participation in it; obviously from the apprehension of some mischief from Don Miguel.

Having thus presented a full view of the whole transaaction, as dislosed by the Depositions, the undersigned would remark that he sees nothing in this affair which can give cause for discontent to any foreign power whatever, even the African Nations or native princes. If it be true that Don Miguel and his associates were a hoard of Pirates or free Booters, of which there seems to be little room for doubt, he was *hostis humani Generis* and belonged of course to no nation: Therefore no nation can have a right to claim redress for his death, and even if he were not a pirate, yet his conduct was so lawless, brutal and ferocious that the Govt. of the United States might justifiably have taken his life as most of his acts were committed within the territorial limits of the Colony. But while the undersigned sees no cause to apprehend any disturbance to the colony by the interference of any foreign power; yet he sees in this transaaction good cause to apprehend that great disturbance and even ruin may be brought upon the colony by internal insubordination, indiscreet and intemperate retaliation & lawless violence. However unprincipled, profligate, barbarous & outrageously unlawful may have been the conduct of Don Miguel & his party; their acts did not justify a league among private individuals, without any of the sanctions of government to assault, rob or plunder and in fact wage war against the establishment of Don Miguel. Neither the law of nations nor the municipal Laws of any civilized country will allow to private individuals the right of retaliation or reprisal beyond the time immediately following the assault or capture. If a man were beaten he might in the instant retaliate by beating the assailant & justifiably: so if any thing were taken from him & he could in the instant regain it by violence, before the other

had the appearance of possession he might do so lawfully; but after the blood had cooled in the one case, or there was an appearance of peaceable possession in the other case, any violent attempt at revenge or recaption would be an unlawful trespass. Therefore Mr. White could not lawfully take back his Boat from Don Miguel by violence after he had carried it to his factory, nor could he have retaliated the blows given by him Don Miguel, to compel him to sign the bill of sale for the Boat, at any time after the day and hour when those blows were inflicted. Private individuals are not allowed by the laws of civil to care for themselves either in reprisal or retaliation; but are turned over to the laws for redress. And if Mr. White could not lawfully retake his Boat & revenge the blows, much less could an unauthorized band of individuals leagued together upon their own private responsibility be justifiable for pursuing such a course of conduct. And most of all can the Governments colonial agent be excused for encouraging or in any manner conniving at such a dangerous and unlawful course of proceeding. It was his duty if Don Miguel's piratical conduct interfered with the interests of the colony, and was notoriously of a hostile & predatory character to the whole force of the colony to arrest him & his party & bring them to a legitimate trial, and further to defend the colony against any hostile invasion; and if his whole force was not sufficient for that purpose to apply to the government for protection, and not encourage a small part of that force, without any lawful authority, to make an attack upon Enemy, too powerful for his whole force. All the colonists and especially those intrusted with the direction & controul of the affairs of the colony should be thoroughly impressed with the knowledge that the laws of civil society do not & cannot authorize individuals to redress their wrongs and injuries according to their own will and pleasure; and that their grievances cannot & ought not to be relievable except by resorting to the tribunals, which are duly constituted first to judge of the wrong; and then the remedy, and lastly to put the injured party into lawful & peaceful possession of his remuneration.

(Signed by) COLONEL ASHTON.

GOV. BLOUNT TO SECRETARY OF WAR.

[This letter discusses the status of the Tennessee volunteers. From archives of Tennessee Historical Society, Box B2, No. 165.]

Nashville Dec. 10th 1813

The force from this State called into service to act against the hostile Creeks is composed in part of U. S. Volunteers enroled under the acts of Congress—of the militia detached under a requisition from the War Dept.; and in part of volunteers, who being best armed, turned out upon the pressing emergency, to repel an approaching invasion of this State, & the M. Territory.

The first named think that their term of service expires (as I have before advised you) on this day—the second one, I understand, of opinion, that their term of service will expire at the end of three months from their entrance into service (that time being considered by the militia law of the State, passed prior to the act of Congress, under which, the detachment was made) as a tour of duty—the third description I have reason to believe consider, that they ought not to be expected to serve longer than a three months tour, from their entrance into service, if that long.

When these Troops were called into service, the term they were expected to serve was not mentioned in the instruction I recd. from the War Department, or in the act of the Genl. Assembly of this State, under which, a part of the force was called out; neither was it mentioned in my order calling them out, I not having been advised of the most acceptable term to the Government, and knowing no other limitation to their service than such as was provided for by acts of Congress, unless sooner discharged by order of the President.

I believe the principal reason why those Troops in part feel a desire to be discharged on the 10th Instant, is that the volunteers think that they should not be compelled to serve longer than one year from the time they were called into service, as they have held themselves ready to act, at the call of Government, since the 10th Dec. 1812; this has occasioned much uneasiness and embarrassment in camp—The balance probably are influenced by their recollec-

tion of a tour of duty, under the militia law of this State; and by their want of clothing &c., for a longer term of service; and another argument may be, that the circumstances under which they were called (to repel an approaching invasion in part), did not admit of delay in their making the necessary preparation for a tour of six months, as the act of Congress respecting detached militia requires, unless sooner discharged by the President's order—in other words they had not time to prepare—their promptitude promoted the service—their prompt attention to the call of Government, and the important services they have rendered in the field during the short time they have been in service, teaches the belief that they cannot be actuated in their willingness to return for any other reasons than the above mentioned.

These facts and opinions are stated for the information of Government, with whom alone it rests to determine how long they shall serve; to order their discharge; and likewise to order, in the event of their discharge, how their places are to be supplied.

It is presumed that the object of the campaign is not yet effected, and it may not be for some time to come, with best exertions—Under these circumstances, and a desire felt here to promote the good of the service, it would be acceptable to the men in service, to be informed how long they are expected to serve, and if they are to be discharged, by whose order, and how their places are to be supplied.

Information on these points is respectfully solicited, believing that the good of the service, and the situation of this frontier require it—I am requested to make these inquiries—respectfully

WILLIE BLOUNT.

The Honble John Armstrong

Secy War

A PATRIOTIC STATUTE.

[It is well known that Gov. Willie Blount borrowed the money to maintain the Tennessee troops under Jackson, and gave his note for the amount. The authority under which he acted is not so well known, and is found in the following Act of the General Assembly of Tennessee.]

CHAP. I.

An act to repel the invasion of the state of Tennessee by the Creek Indians, and to afford relief to the Citizens of the Mississippi Territory and other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That of the militia of said state, the Governor is hereby authorized to organize and march immediately any number not exceeding three thousand five hundred men, in such proportions of Infantry, Rifle-men, Cavalry, Artillery and mounted Infantry, as the Governor and the commanding General deem proper, for the public service, to any place in the Creek nation of Indians or in the Mississippi Territory where said troops may give relief to the citizens of said territory, and repel the invasion of the state of Tennessee by said Indians and their allies.

SEC. 2. *Be it enacted*, That the Governor of Tennessee be and he is hereby authorized to contract for and supply said troops with provisions, ammunition, and arms, at the expence of said state until the General Government make provision for said troops, and to draw on the treasurers of said state for the money, or borrow the same of either of the banks in Tennessee, or any other source at a rate of Interest usual in said bank.

SEC. 3. *Be it enacted*, That in the event the General Government refuse to pay the aforesaid troops for their services as other similar troops are paid by the said Government, then and in that event said troops shall be paid by the state of Tennessee in the same manner the United States pay similar troops.

SEC. 4. *Be it enacted*, That each or either of the banks in Tennessee are hereby authorized to lend to the Governor, any sum or sums of money not exceeding three hundred thousand dollars to be

used in supplying the aforesaid troops, or for their pay or the purchase of ammunition or arms.

SEC. 5. *Be it enacted*, That any sum the Governor may borrow under the provisions of this act, the revenue of this state shall be pledged to the lenders for the same, and the interest, and in the event the General Government do not pay the debts contracted by the Governor, at the next session of the Legislature of this state, a tax shall be laid on the taxable property of this state, sufficient to raise the sum and the interest thereon, which may be borrowed by the Governor.

SEC. 6. *Be it enacted*, That the Governor's warrant on the Treasury of this state, for the sum or sums he may borrow and the interest thereon shall be sufficient and conclusive evidence of such debts, and shall entitle the lenders to draw interest, on the sum or sums by them advanced, from the time advanced until said sum or sums be repaid, and that the interest shall be paid half yearly agreeably to the rate of interest, mentioned in the second section of this act.

TH. CLAIBORNE,

Speaker of the House of Representatives.

ROBERT C. FOSTER,

Speaker of the Senate.

September 24, 1813.

SKETCHES OF SEVIER AND ROBERTSON COUNTIES.

[In 1880 the city of Nashville held a Centennial Exposition. It was decided, as one feature of the Exposition, to exhibit a series of sketches embracing the history of every county in the State. Letters were addressed to prominent citizens in each county, soliciting their co-operation. Although the response was by no means general, yet valuable information was obtained from several of the counties. Some of these county sketches, or histories, found their way into the archives of the Tennessee Historical Society. Among these the sketch of Sevier County has been selected for publication, not only on account of interesting information, but also on account of the letter of the author, Hon. W. L. Duggan, which shows the action of the State Legislature and of the County Court of Sevier.

The sketch of Robertson County, the author of which is unknown, is selected, on account of interesting local information, and especially on account of the sketch which it contains of the *Bell Witch*. This remarkable episode of Tennessee history has well-nigh passed out of mind, and has not found a place in the annals of the State. From 1818 to 1835 the stories of the *Bell Witch* created great excitement in Robertson County, and throughout Middle Tennessee. The reader who may be interested in this remarkable hallucination is referred to a book entitled "An Authenticated History of the Bell Witch," by M. V. Ingram, published at Clarksville, Tenn., by W. P. Titus.

Perhaps no other witchcraft hallucination ever gained currency in the State except the excitement in Fentress County, which occurred about 1837, and led to the only trial for witchcraft in Tennessee. Fortunately, the only trial for witchcraft in the State, although leading to conviction before the Justice of the Peace, resulted in the acquittal of the accused on appeal to the Circuit Court.

These two county sketches are filed in the Archives of the Tennessee Historical Society, marked respectively, Box S1, No. 43, and Box R2, No. 142.]

Nashville, Tenn., April, 1880.

The County Court of Sevier County at its April term 1880, in pursuance of a Resolution adopted by the General Assembly of Tennessee, appointed the undersigned—together with D. W. Howard, Esq., and Dr. J. U. Hammer—to prepare a "succinct History" of Sevier County for the occasion of the Nashville Centennial. I have not had the assistance of Messrs Howard and Hammer in the prep-

aration of the History, nor have I had an opportunity to examine the early records of the county.

The accompanying history embraces a recital of such important facts as I could obtain from the limited means at my command.

Very Respectfully,

W. L. DUGGAN.

1880.

A Brief History of Sevier County, from its First Settlement and Organization—Embracing a brief reference to the most Important Events—Increase of Population—Mountains—Rivers—Water Powers—Mineral Resources—Soil—Climate—Medicinal Springs.

THE FIRST SETTLEMENT

of the territory which now forms Sevier County was made on Dumplin Creek a few miles north of French Broad River. This was shortly followed by settlements on Boyd's Creek and at different places on Little Pigeon River.

SEVIER COUNTY WAS ESTABLISHED

by the "Territorial Assembly," in 1794—was taken off of Jefferson—then called Caswell County. It was the tenth county established by the Territorial Government, and was named in honor of General John Sevier, the Governor of the "State of Franklin," and the first Governor of Tennessee.

The county contains 660 square miles, or 442,400 acres, and is bounded: On the North, by Jefferson County; on the East, by Cocke County; on the South, by the North Carolina line; on the West, by Blount and Knox Counties.

POPULATION.

The first census of the County was taken in July, 1795, showing a population of a little more than 3,000. The subsequent censuses exhibit the following increase in population:

In 1800	the	population	was	near	3,400
" 1810	"	"	"	"	4,500
" 1820	"	"	"	"	4,700
" 1830	"	"	"	"	5,700
" 1840	"	"	"	"	6,400
" 1850	"	"	"	"	6,900
" 1860	"	"	"	"	9,100
" 1870	"	"	"	"	11,000
" 1880	"	"	estimated	"	14,000

SEVIERVILLE, THE COUNTY SEAT,

was located by Commissioners, duly authorized by the Legislature of 1794, at the Confluence of the West and main East Forks of Little Pigeon river. The first officers of the County were Samuel Newell, Chairman of the County Court; Samuel Wear, Clerk County Court; John Lowry, County Solicitor; Ambrose Arther, Sheriff; Thomas Buckingham, Collector. The first State Senator, John Claek; first Representatives, Speneer Claek and Sam'l Newell.

It has been nearly 86 years since the establishment of Sevier County, during which time the solitude of the forest, or the wigwams of the savages, have given way to the enterprise and industry of an energetic people. "The County has been the land of hunters, soldiers and patriots. It has its stations, forts and battle grounds."

Proud associations, coupled with many heroic struggles by her hardy pioneers, cluster around her early history, and her progress from those days of hazardous pioneer life to the present writing has been marked by an honorable and patriotic career. The unceasing toils and steady pursuits of civilized life have transformed this once rugged wilderness into a beautiful and productive agricultural region.

SURFACE, SOIL AND CLIMATE.

Extending from the Holston river on the North, to the State line on the top of the "Smoky Mountain," on the South, the County embraces the northern slope of said mountain and the smaller mountains adjoining, thus affording a variety of soil and a contrariety of surface, producing a delightful diversity of climate. The Southern portion of the County is mountainous and broken; the Northern and Western parts more level and productive. In the Southern part of the County are some of the most delightful and picturesque views to be found anywhere in the State, many of the loftiest peaks being more than a mile in height.

RIVERS AND WATER POWERS.

The three forks of Little Pigeon river, known as "East Fork," "Middle Fork" and "West Fork," have their sources in the mountainous parts of the County, and forming a final junction at Sevierville, flow nearly North to the French Broad river, which also flows through the County. The excellent and valuable water powers on these three forks of Little Pigeon, and on many of the largest

Creeks, would be sufficient to run the machinery of all the manufacturing of the State.

The soil varies from the rich loam on the extensive bottoms on French Broad and Pigeon rivers, to the high and hilly lands which are admirably adapted to the production of fruits, tobacco, grasses and the cereals. Stock grazing is profitable in that part of the County adjoining North Carolina.

IRON ORE

exists in unlimited quantities and of excellent quality in different sections of the County. A Swedish company operated a furnace and "iron works" with much success on the East Fork of Little Pigeon, about the years 1835 to 1840. They finally abandoned the work on account of the cost of transportation. Many of the cooking vessels, kettles, &c., used by the citizens for many years, and many of which are yet good, were made of iron from these works. Also at "Pigeon Forge," on the West Fork, iron was produced for several years in abundance. These "iron banks" and many others throughout the County contain almost inexhaustible beds of iron ore.

THE SILVER MINES

in Greenbrier Cove, in the south-eastern part of the County, have attracted considerable attention for a year or two, and eastern capitalists are negotiating with the owners of the lands for a purchase or lease of the same.

CHALYBEATE SPRINGS.

The County affords some of the most valuable chalybeate springs to be found anywhere in the State. These springs are places of pleasant resort for hundreds during the hot summer months, and they possess effective medicinal properties.

ROBERTSON COUNTY.

Established April, 1796.

Organized July 18, 1796.

Upon the establishment of our State, in 1796, one of the three Counties which had been erected in the Cumberland Country by the Legislature of North Carolina, was called Tennessee. When the Convention appropriated the name of the County and gave it

to the State, Tennessee County was divided into two distinct counties, one being called Robertson and the other Montgomery. Robertson County was named in honor of Gen. James Robertson, one of the founders of Nashville. It was established by Act of the General Assembly of Tennessee, passed at Knoxville, April, 1796, and is bounded at present as follows: On the north by the State of Kentucky, on the east by Sumner, on the south by Davidson and Cheatham, and on the west by Cheatham and Montgomery Counties, having an area of about 330 square miles.

Robertson County was organized at the house of Jacob McCarty, on Sulphur Fork, $1\frac{1}{2}$ mi., west of Springfield, July 18, 1796, the following named gentlemen being commissioned as Justices of the Peace, to wit:

William Fort, Isaac Philips, William Miles, Benjamin Menees, Bazel Boren, Martin Duncan, John Philips, Zebulon B. Hobart, James Crabtree, Charles Miles and Hugh Henry, who took the several oaths required by law.

William Fort was elected Chairman of the Court of Pleas and Quarter Sessions; Thomas Johnson, Clerk; Hugh Henry, Sheriff; Bazel Boren, Register; Josiah Fort, Trustee; John Philips, Ranger; Isaac Brown, Coroner; and Stephen Boren, Isaac Menees, Daniel McKindley, William Brown, James Crabtree and John Mercer, Constables in and for said County.

Samuel Donelson, Esq., was appointed County Solicitor.

The Court adjourned on the following day to meet at the house of Benjamin McIntosh, October Term, 1796. McIntosh lived north of the site of Springfield about one mile, that is, he is said to have lived there. The Court was held here until April Term, 1798, when it adjourned to meet at the "Town of Springfield," July Term, of the same year.

SPRINGFIELD.

Springfield, the County-seat, was founded in 1798, on a tract of sixty acres of land, donated by Archer Cheatham and Thomas Johnson, Sr., and named for the many springs which broke out on the town site. The town is pleasantly located on the south side of Sulphur Fork of Red River, in a high and rolling, healthy and fertile section, near the geographical center of the County, and about 30 miles north-west from Nashville. The first settlers in Springfield were Archer Cheatham, John Hutchison, Thomas Dickson, Jonathan Ferguson and Thomas Johnson. Col. Cheatham was a

farmer, hotel keeper, and land speculator. Squire Hutchison was a hotel keeper at an early day in the town, but whether he or Cheatham was first, is not now known. He subsequently held sundry offices of trust in the County. Mr. Dickson was a one legged man, and a farmer by occupation. John Ferguson was a hatter, the first in the place. Dr. Levi Noyes was the first physician to locate in Springfield, about 1802. He was succeeded by Dr. Archibald Thomas. The Martin Brothers were the first merchants in the town, beginning business about 1800. James McMeans was the first attorney at this bar, about 1811. Springfield grew very slowly, and as a consequence the educational facilities were meager. The first school was taught here by Avery Clark, about the year 1809. The first postmaster was Nicholas Conrad, who was among the first merchants, at an early date, but the exact time cannot now be ascertained. The Methodists erected the first church in the place, about 1822, and the Rev. William Peters was the first pastor to preach in it. Previous to this the Court house had been occupied by the ministers of all denominations.

Springfield was incorporated in 1853, and Eaton A. Williams elected the first mayor. The first newspaper—the “Cumberland Presbyterian”—published in the County was issued in 1839, Rev. David R. Harris, editor and proprietor. It was a religious paper, devoted to the interests of the Cumberland Presbyterian Church, and was subsequently removed to Lebanon, Tenn.; thence to Nashville. The first bank—Springfield National Bank—was established in 1872; capital, \$60,000; John Woodard, President.

Springfield is directly connected with Nashville and St. Louis by the St. Louis & South-eastern Railroad, constructed in 1857-8, and with other points by its connections.

Springfield has grown but slowly, the construction of the St. L. & S. E. Railroad connecting it with Nashville and St. Louis having but little effect upon its growth. It has never suffered severely from fire, only a few houses having been burned. It is now in its most prosperous period, building up slowly but substantially. Her business men have generally been successful, and the credit of her merchants as good as in most of her sister towns. She has a number of handsome private residences, as well as public buildings.

Springfield has now 4 dry goods stores, 8 grocery stores, 3 drug stores, 1 furniture store, 6 saloons, 2 millinery shops, 1 undertaker, 1 silversmith, 2 blacksmith shops, 1 wagon shop, 2 livery stables, 3

hotels, 2 shoe and boot shops, 3 saddler and harness shops, 2 steam flour-mills, 1 tobacco warehouse, 4 wholesale whisky houses; 3 schools, with six teachers and about 160 pupils; 3 churches—Methodist, Baptist, and Cumberland Presbyterian; 1 colored school, with 1 teacher and about 50 pupils; 2 colored churches—Methodist and Baptist; 5 preachers, 4 physicians, 12 lawyers; 1 newspaper—Springfield Record; postal, express, and telegraphic facilities; and a population of about 1,000, of which about one-fourth are colored.

Courthouse.—The first Courthouse was a log building, 18x18 feet, covered with boards. It was the "temple of justice" until 1819, when the present Courthouse, an old fashioned brick building, 40x40 feet, with court room below and Sheriff and Clerk's offices above.

Jails.—Robertson County has had three jails, one wooden, one brick, and one stone, the latter very substantial, with nice brick apartments for Jailor.

TURNERSVILLE,

a straggling, dilapidated post village, on Miller's Creek in the western part of the County, 10 miles from Springfield, in a broken and much worn section, was established in the early part of this century, and named for Major John E. Turner, a North Carolinian of Scotch descent. In its earlier days it was a place of some little local importance, having a number of stores, mechanic shops, hotel, saloons, etc., but now it has an old appearance and is evidently on the decline. It has now but one store, a blacksmith shop, school, Methodist Church, 2 physicians, and a population of about 100, of which about one-third are colored.

COOPERTOWN,

a small post village on the Nashville & Clarksville road, 8 miles southwest from Springfield, was established about 1858, and its name suggested by David Nave on account of the cooper shops then in operation here. It is pleasantly located in an undulating, healthy and moderately fertile section, and has a store, some mechanic shops, school house, Christian Church, two physicians, and a population of about 75 inhabitants.

BARREN PLAINS,

a post village at the crossing of the Gallatin and Hopkinsville and Springfield and Russellville roads, about — miles north from

Springfield, was established in 1825 by "Buckeye" Mason, its name having been suggested because the land was then barren of timber. It has now two stores, a family grocery, some mechanic shops, school, Masonic hall, two physicians, & about 60 inhabitants. It was about six miles north of this place, just beyond the Kentucky line, that the duel by Andrew Jackson and — Dickinson was fought, 18—.

BLACKJACK,

a post village on the Franklin and Springfield road, 11 miles north-east from the latter town, was established about 1859, and took its name from the blackjack timber in which it was located. It is situated in a pleasant agricultural district, and has three stores, one grocery, 1 saloon, some mechanic shops, schoolhouse, church, 1 physician, & about 100 inhabitants.

VILLAGES OF ROBERTSON COUNTY.

Cross Plains, a post village on the South Fork of Red River, 11 miles east from Springfield, and about three-fourths of a mile east of the site of "Kilgore's Station," was founded about the year 1812, and took its name from the crossing of the Nashville and Russellville and the Gallatin and Hopkinsville roads, where it is located. It is pleasantly situated on an elevated and rolling plain between the Middle and South Forks of Red River, on land formerly belonging to James Yates, who was the first merchant in the place. It has always been a live village, in the midst of a thriving community, noted for its health and morality. It has now 5 dry goods and grocery stores, 2 drug stores, 1 saloon, 1 blacksmith, 1 wagon, 1 tailor, 1 saddle and harness and 1 boot and shoe shop, 1 hotel; 1 school—Stonewall College; 1 church—Cumberland Presbyterian; 1 Masonic and Odd Fellows' hall, 1 steam saw and grist mill, a number of handsome cottage residences, and a population of about 150, of which about one-third are colored.

Cedar Hill, a post village on the St. L. & S. E. Railroad, 7 miles north of west from Springfield, was established on the land of J. W. Gooch, in 1857, and took its name from the few cedars near by on the highest elevation between Nashville & Guthrie. It is delightfully located in a healthy, fertile and slightly undulating section of the County, surrounded by an intelligent and religious community. The village has now 2 dry goods stores, 3 grocery stores, 1 drug store, some mechanic shops, 1 steam flouring mill, school,

a Methodist Church, Masonic Hall, hotel, 2 large tobacco houses, and a population of about 100, of which about one-tenth are colored.

Adam's Station, a post village on the St. L. & S. E. Railroad, 12 miles north-west from Springfield, was founded in 1859, on the lands of Jas. M. Adams for whom the place was named. It is pleasantly located in a broken, healthy and fertile section, on the south side of Red River, and is the largest village in the County. Thomas J. Adams & B. O. Crenshaw, J. M. Adams & Jas. Chambers, were the first merchants; F. J. Adams, first postmaster; M. G. Alexander, the first school teacher; the Methodists erected the first church in 1870, and Rev. John H. Reynolds was the first pastor. Dr. P. A. Williams was the first physician to locate here, about 1863. It was incorporated in 1870, and W. C. Tomerlin elected mayor. The place has grown slowly, having been pretty well destroyed in the late Civil War. It has now 3 dry goods stores, 2 groceries, 2 drug stores, 2 saloons, some mechanic shops, good school; 2 churches—Methodist and Baptist; hotel, steam grist mill, 2 tobacco factories, 3 preachers, 3 physicians, 1 lawyer, & about 250 inhabitants, of which about one-fifth are colored.

Greenbrier and *Sadlersville*, also *Ridge Top*, are stations on the St. L. & S. E. Railroad in this County.

BEGINNINGS—IMPROVEMENTS.

Mill.—The first water mill, in Robertson County, was built on Sulphur Fork by Maj. Charles Miles, about 1793.

School.—The first school in this County was taught by Robert Black, on Sulphur Fork, near Capt. Isaac Dortch's, about the year 1798. Previous to this time the young idea had been taught how to shoot in private families; that is, where it was taught at all.

Church.—The first church erected in the County was a Primitive Baptist Church, called "Grammer's Meeting House," on Sulphur Fork, about 1790, and the Rev. Mr. Grammer & Rev. Nathan Arnett, it is thought, were the first pastors. Preaching had been had at the cabins of the pioneers by ministers of various denominations before as well as after this.

Camp Ground.—The first camp ground, it is thought by some, was Mount Zion, on Carr's Creek, established about 1800. Others are of the opinion that the Ridge Camp Ground was the first, and that it was built much about the same time, the Revs. Finis Ewing, Daniel McGready and others being the officiating ministers.

Cotton Gin.—The first cotton gin in Robertson County was built, it is thought, by James McFarland, on Brush Creek, about 1802-'5.

Distillery.—The first distillery, it is thought, was built by Jonathan Darden, on Sulphur Fork, about 1800. It was a small affair, but the County has long since become noted for its many distilleries & for its excellent whiskey. In fact, Old Robertson is quite as familiar a brand as Old Bourbon, in the marts of trade. Daniel Holman built the first distillery.

“THE BELL WITCH.”

(See 1 Sam. 28: 15-19.)

This mysterious, invisible, loquacious *something* is said to have manifested itself at the house of John Bell and vicinity, on Red River, in the north-western part of this County, in the year 1818, and to have continued its marvelous and unwelcome visitations until the death of Mr. Bell and his wife, the former occurring in 1822, and the latter in 1825. The story of the witch of Endor, as related in the Scriptures, did not create much more excitement than did the “witch” at Bell’s. So great was the excitement, that people came from at least a half dozen States to see, or rather to hear, the sayings of this mysterious being. It would be impossible to relate a moiety of what it is reported to have said. Indeed, some of its language was so profane and vulgar, as to preclude its recital here.

Its first manifestations were made by pulling off the bed clothes and scratching on the bed tick; to pull the daubing out of the cracks of the house and sprinkling it in the middle of the floor. Then it told in a low tone that it was a deceased spirit, and that it had come to have some skull bones which had been taken from a mound near by on the river bluff, and that it would not cease its visits until the skulls were returned to their resting places. Although the skulls had been carefully deposited in their original graves, yet the witch came again. When asked why it had come again, it said: To let the family know where it had, when in the flesh, deposited a quantity of gold. Search was made for the gold at the place designated, but was not found, though diligent search was made. It would slap and spank a twelve year old girl, a daughter of Mr. Bell, so much so that the signs of the fingers were made on the flesh of the girl. The girl being sent off to avoid the chastising, the witch followed her and took her from between a man and his wife, rolling them off. It not only spoke audibly several different languages,

but would touch hands with those of the neighborhood whom it deemed honorable. It would tell what had transpired in the vicinity for a distance of seven or more miles round, narrating the intimacies of men and their wives, as well as disclosing the intrigues of men and women who deemed their *liaisons* unknown to any but themselves. It would unlock the door of the dwelling, although the key was in the lock, and held by a stout man, without turning the key. In making its approach it would first be heard striking the roof of the house with a brush or limb of a tree; then it would be heard to drop as it were from the rafters to the second floor, and then on the first, making as loud a noise as would any large man. It would talk and laugh, making ludicrous remarks about the "damned fools who had come to see the witch." It would call the dogs and set them upon passers-by, to the great annoyance of the family as well as the neighbors. It would even take the tobacco out of the mouth of Mr. Bell, and put therein an old, much used pipe stem; at least, he thought it was there, though his friends could see nothing of the kind. It would call Mrs. Bell by her given name; would drop grapes and hazelnuts into her hand; would crack the nuts, place the kernel in her hand, and drop the wet hulls upon the floor, looking as if they had been moistened by being cracked in the mouth. And all the time the witch was invisible. It has been known to take a cup of coffee out of Mrs. Bell's hand, turn it up as if drinking from it, when the coffee would disappear, the cup be replaced, without any having fallen upon the floor. At times, when the family and friends would be sitting round the fire, nuts and acorns would fall on the hearth, coming apparently from the flue of the chimney, but when any one would endeavor to pick them up, they could not be found. On one occasion a large dinner pot rolled down and out into the floor, and then disappeared, leaving not a greasy spot. At one time a vial of poison was found in the flue of the chimney, and being taken down, Dr. George B. Hopson gave one drop to a cat, causing its death in seven seconds. The witch claimed to have put the poison there for the purpose of killing Mr. Bell. Being asked how it was going to administer the poison, it said by pouring it into the dinner pot. It is remarkable that, although he enjoyed good health up to the time of this event, Mr. Bell died within — days after the vial was found, being in a stupor at the time of his death. From this time the people visited the house less frequently, although the witch would now and then

be heard. After Mrs. Bell's death, the house was unoccupied, no one being willing to live in it. It was not long afterward pulled down and the logs and other material removed. The barns, stables, and all other buildings were likewise removed, and the well filled up, leaving the apple orchard and a sycamore tree, which stood in the yard, to mark the spot where the Bell family once lived.

William Hawkins, who came to see it, entered the house when it was literally full of people. As he came, the witch said: "There comes Bill Hawkins, who killed a horse to-day!" It was true that he had that evening shot an old horse that had annoyed him for a long time by jumping into his fields, as Mr. Hawkins acknowledged at the time.

The foregoing is related by F. R. Miles, William Pride, W. J. Gooch, Ben. B. Batts, and many others.

The witch could bark and lap like a dog, buzz like a swarm of bees, cackle like chickens, crow like a rooster, gobble and yelp like a turkey, quack like a duck, and imitate other animals. It could sing, preach and pray, and do many things to astonish the bystanders. One might rest an open penknife on his knee, point up, and the witch would slap down on the knee making a noise audible anywhere in the room. A neighbor woman, known to a number of living witnesses, having spoken in a crabbed, disrespectful manner of the said witch, it became indignant toward her, and proceeded to punish her by simply turning her dress over her head, twisting the same about as one would twist a meal or corn sack, and apparently holding it with one hand, while it administered a severe chastisement by slapping her with the other open hand. The black marks were visible upon her arms and shoulders several days afterward. This was told me by a gentleman of well known veracity, who saw the marks himself.

Another remarkable attribute of the witch was that it could be at three or more places, distant from each other two miles or more, at the same time, as evidenced by talking and otherwise making a noise by scratching on the beds or pulling off the coverlets or quilts. It shook hands with several men, upon one occasion, when one of the men made an effort to hold the hand of the witch and called for a light. Before the light could be brought the witch wrenched its hand from the man. The witch was angry at this act of impertinence and cursed and abused the man severely, and never afterwards had any confidence in him. The man said he could feel the

hand of the witch in his, but could neither see nor feel any arm round or about it. It has been known to throw rocks at people, to appear as a bear, rabbit and black dog, and in sundry other forms and characters.

It called itself by three different names; to wit, "Three Waters," "Tynaperty," and "Black Dog." It also claimed that it was one of seven spirits, only three of whose names were given, as above.

Whatever may be thought of this remarkable nondescript, spirit, apparition, or whatever people may choose to call it, it certainly created no little excitement, not only in the County of Robertson, but in at least a half dozen States. We give the statements as we received them for what they are worth, but have no comments to make. The half has not been told; indeed, a volume might be written concerning this remarkable "Bell witch."

SENATORS AND REPRESENTATIVES—1796-1880.

Senators—Henry Frey, Edward S. Cheatham, Andrew E. Garner, Joseph C. Stark, Dr. Hugh Robinson, John A. Cheatham, John S. Hart.

Representatives—John Young, Richard Cheatham, Richard R. P. Powell, David West, John Woodard, Anderson Cheatham, William C. Conrad, Austin Barbee, Matthew Powell, William Seal, W. W. Pepper, Wiley Woodard, E. A. Fort, Sylvanus Benton, George A. Washington, B. M. Cheatham, J. A. Bell, John S. Hart, William Moore (F.), James Norfleet, James M. Malloy, Thomas Menees, David D. Holman, Joseph Washington, John Woodard, W. R. Sadler.

NEWSPAPERS.

The Cumberland Presbyterian was established in 1839, with Rev. D. R. Harris as editor and proprietor, and ran about two years.

The Springfield Spy began in 1846. Grant & Ligon were editors and proprietors. It ran two years.

The Robertson Backwoodsman was first published by Kirk & McNelly in 1848. It was changed to the Springfield Intelligencer in 1849. In February, 1852, H. H. Kirk sold the paper to George H. McNelly, and about August, 1853, McNelly sold to James L. Davis, who in 1854 changed the name to the Dollar Weekly American, which was discontinued in the year 1855.

In the year 1856 a stock company bought the office, placed Mason & Shropshire on the staff, and ran the Robertson Democrat for four or five months, when it went under.

In 1859 Messrs. G. W. Davis & Co. started the Springfield Spectator (Whig), which was continued until 1862, when Morgan passed through and printed his Vidette with the material. In a few days thereafter a Federal force came through and heaved the type and fixtures out of a two-story window and broke the press to atoms.

In 1866 M. V. Ingram & Co. started a little paper, the Robertson Register, with Archie Thomas as editor and one of the proprietors, who in a few months, however, sold his interest to M. V. Ingram, who ran the Register until October 23, 1868, when he moved it to Clarksville and changed its name to the Clarksville Tobacco Leaf.

On April 16, 1869, Archie Thomas and Richard F. Thomas established the Springfield Record under the firm name of Thomas Brothers, and it is now in its tenth volume. It is Democratic. The senior member of this firm is one among the oldest of the craft in Tennessee. He entered as an apprentice in the office of the Springfield Intelligencer in October, 1850.

The firm of Thomas Brothers, in 1878, built a fine brick office two stories high on Main street. It is an ornament to the town, being 22x60 feet. It has splendid business rooms on the first floor.

SHERIFFS—1796-1880.

Hugh Henry, two years—1796-1798; James Menees, Jr., six years—1798-1804; John B. Cheatham, six years—1804-1810; John Howell, two years—1810-1812; Anderson Cheatham, eight years—1812-1820; Henry Frey, four years—1820-1824; Benjamin Kirby, two years—1824-1826; Washington Ryburn, two years—1826-1828; Richard R. P. Powell, six years—1828-1834; Josiah W. Hicks, six years—1834-1840; Green Benton, six years—1840-1846; Robert H. Murphy, six years—1846-1852; Alfred Pike, six years—1852-1858; Augustus Randolph, two years—1858-1860; Alfred Pike, five years—1860-1865; Marcus L. Woodard, three years—1865-1868; Benjamin H. Boone, eight years—1868-1876; James S. Jones, ——— years—1876-18—.

PIONEERS FROM VIRGINIA, NORTH CAROLINA, AND SOUTH CAROLINA—1789-1795.

On Red River: William Johnson, Elias Fort and sons—Rev. Sugg Fort and brother, Josiah Fort; Daniel Holman, John Phipps, Charles and Thomas Kilgore, James Yates, George Bigbee, David and Hugh Henry, Samuel Mason, Augustin Cook, John Bell, Rev. Thomas Plasters.

On Sulphur Fork: Henry, John, and James Gardner; Isaac Dortch; Carr, Holland, and Jonathan Darden; John Hutchison; Col. Archer Cheatham and his brothers, John and Anderson; John Crane, William and Jeremiah Batts, Charles and William Miles, James Norfleet, Elias Fort, Archelaus Mahan, Nathan Clark, John Coutts, James Appleton, David and James Jones, Dr. Richard Nuckolls, Benjamin Porter, Patrick Patterson, Martin Walton, Robert Kerr.

On Caleb's Creek: Caleb Winters, Joseph Washington, Azariah Dunn, Henry Ayres, George Murphy, Rev. William Carter, George Williams, Thomas Farmer, David J. Justice.

On Beaver Dam Creek: Thomas Woodard, Arthur Pitt, John Chambers, James Owens, Joseph Winfield, William Benson, John Krisle, John Draughon, Martin Walton, Meredith Walton, Thomas Baird, Waddy Stark.

On Carr's Creek: Michael Fiser, Matthew Day, James Connell, Jacob Binkley, James Culberson, Jacob Fiser; Henry Johnson, grandfather of Hon. Cave Johnson and William and John Huddleston; Henry Johnson, son of Hon. Cave Johnson.

On Brown's Fork: Henry Frey, Jacob Binkley, Henry Childress, Samuel and William Crockett, Patrick and Thomas Martin.

On Elk Fork: William Fort, James Mitchell, David Smith, Andrew Shanklin, Joseph Wimberly.

On Miller's Creek: Robert Head, Richard James, John Carr, James Bryan, Nicholas Conrad, Jesse Martin, Rev. John Lemaster, James Elliott, Samuel Walker.

On Brush Creek: Col. Benjamin Elliott, Benjamin Jordan, Giles and William Connell, James Atkins, John Stephenson, Mark Noble, Frank Grimes, Matthew Luter, Sr., Matthew Luter, Jr., John and James Yoes.

On Sycamore Creek: Hardy Bryan, James Ventriss, Anthony Hinkle, Shadrick Rawls, Lawrence Clinard.

On Spring Creek: Rev. Joseph Dorris, who built the first shingle-roofed house in the county; Daniel Hysmith.

On Battle Creek: James Jamison, Elisha Pilant, Elisha Belamy.

On Buzzard Creek: Reuben Rose, William Mason, Joseph Perry, Howell Sellars.

On Wartrace Creek: James Bell, Matthew Rose, John McIntosh, John Chowining.

The first settlement made in what is now Robertson County was at Kilgore's Station, in 1779.

We learn that Thomas Kilgore was one of the first settlers in what is now Robertson County. In 1779 he, in company with Moses Mauldon, Ambrose Mauldon, Samuel Mason, Josiah Hawkins, and others, built a fort one mile west of where the village of Cross Plains, in this county, is situated, and called it "Kilgore's Station." Thomas Kilgore lived to be one hundred and eleven years old. He was never known to ride, except one time, always preferring to walk. He never took any medicines until just before his death.

The first settlement made in what is now Robertson County was on Red River, just below where the St. Louis and Southeastern Railroad bridge crosses said stream, by William Johnson, from North Carolina, in 1787. Soon after, Charles Miles, from South Carolina, built a blockhouse near the Sulphur Fork of Red River. Other settlements were made at the mouth of Sulphur Fork, then called "Richland Creek," by James Stewart and William Fort, about 1790. In the following year Kilgore's Station was established by Thomas Kilgore.

THE FIRST CIRCUIT COURT, 1810.

"At a Circuit Court begun and held for the County of Robertson, at the Court House in the town of Springfield on the second Monday in April, 1810, being the 9th day of said month; agreeably to an Act of the General Assembly of the State of Tennessee, passed at Knoxville on the 16th day of November, 1809, entitled 'An Act to establish Circuit Courts and a Supreme Court of Errors and Appeals.' Present the Honorable Parry W. Humphreys, Esq., Judge of the Fifth Circuit of said State of Tennessee."

Thomas Johnson was elected Clerk of said court; George W. L. Marr, Solicitor General.

The first Chancery Court was held in Springfield on Monday, April 1, 1844; Terry H. Cohal, Chancellor, and Edwin M. Reynolds, Clerk and Master.

THE RECORDS OF WASHINGTON COUNTY.

[The original manuscript of the records of Washington County are on file in the archives of the Tennessee Historical Society, having been donated to the society by the County Court of Washington, largely through the instrumentality of Hon. John Allison. These records have never been published. * They begin with the establishment of the Court of Pleas and Quarter Sessions by North Carolina in 1778, and continue until the organization of the Southwest Territory in 1790. After the organization of the Southwest Territory, the court was continued with but little modification in name or powers. The character and historical value of these old records are clearly shown by Colonel Allison in one of the most interesting chapters of Tennessee history. By permission we reprint this chapter from his valuable work, entitled "Dropped Stitches in Tennessee History." In this issue of the MAGAZINE we publish the records of this Court for the year 1778. No liberty is taken with the text of the manuscript except, in a few instances, to condense details historically unimportant, and, in a few other instances, to omit the names of parties to criminal proceedings where the publication of the names could serve no historical purpose.]

A UNIQUE COURT.

[From "Dropped Stitches in Tennessee History," Chapter 3.]

There may be mistake, error, fraud, and injustice in court proceedings and judicial records; but when such records were made more than a century ago, and contain some part of the history of the people who made them, and have stood all these years unchallenged and uncontradicted, such records may be safely accepted as truth. In writing of a people more than a century after the period in which they lived—a people who did not have a daily newspaper in their midst to chronicle their deeds and views, and who were in a country between which and other parts of the world there was but little, if any, communication—it is easy indeed for a facile writer to ascribe to them characters which they did not have, views which they did not entertain, and accomplishments with which they were not entitled to be credited, without taking much risk of being contradicted.

The early history of the colonies and "new settlements" in North America is, and has been for many years, a fascinating field for writers; and it must be confessed that too often a little incident or

tradition has been so magnified by a too vivid imagination that it has appeared in print as a very readable, but colossal, falsehood. It is also lamentable that the plain, unvarnished truth of history has, in many instances, been so colored and distorted in the effort to make it romantic that many persons who could have contributed much valuable information in the way of simple facts have not done so, because of a lack of that faculty of imagination which some writers possess to such a degree that they can inform you beforehand that they are going to tell you a lie—in part, at least—and yet will tell it in such beautiful language and in so smooth and plausible a way as to make you believe the whole story.

The Tennessee pioneers did not have any one with them in their earliest days to write an account of their experiences or to portray their lives and characters; nor did they have any newspapers to make a record of their doings in the business concerns and affairs of life; and if they wrote any letters on these matters, they have not been preserved. They had, however, at Jonesboro, a "County Court of Pleas and Quarter Sessions," in which they made and left a record showing much that they did, and from which, even at this late day, we can get a very clear insight into their views as to the duties and responsibilities of citizenship, the power and duty of courts, as well as their notions concerning the business and social relations of life, and, indeed, on all matters which, in their judgment, pertained in any way to the peace, good fame, and welfare of the community and of individuals. I shall, therefore, quote literally much from these old, original records kept in Washington County, the quotations being taken from the records of that county only, for the reason that it was the first county established and organized in what is now Tennessee, and included for quite a time all of the early settlements in what is commonly known as "upper East Tennessee." The same character of entries will no doubt be found in the old records kept in Sullivan, Greene, Davidson, Hawkins, Sumner, Tennessee, and Knox Counties, in all of which Jackson practiced as an attorney or presided as a judge. The proceedings in the courts of the counties named, especially those that will be set out, will be of interest not alone to Tennesseans, but also to the descendants, scattered throughout the Southwest and West, of the men who made these records.

The first session of the court was held at the log cabin of Charles Roberson, near Jonesboro, February 23, 1778. It was composed

of the justices of the peace whose names have been given as subscribers to the oath set out in a preceding chapter. After the court had been organized by electing officers, its first act was to fine John Sevier, Jr., for some minor matter which was gravely denominated "a contempt to the Court." John Sevier, Sr., had just been elected clerk of the court, and was undoubtedly the most influential man in the country, on account of his meritorious character; but this did not shield the son. The fine was not remitted, and there is no evidence that John Sevier, the clerk, endeavored in any way to interpose.

On the second day "William Cocke by his counsel Waightsell Avery moved to be admitted to the office of Clerk of this County of Washington which motion was rejected by the Court knowing that John Sevier was entitled to the office." This is absolutely the whole of the record. It was the first contested election case that occurred west of the Alleghany Mountains, and was between two citizens who became very distinguished—Cocke having been elected one of the first two Senators from Tennessee; while Sevier, after holding all the other offices within the gift of the people of that county, was elected a Representative in Congress and six times chosen Governor of Tennessee. The worthy justices, "knowing," as they said, that Sevier had been elected, without hearing Mr. Cocke, his counsel, or any evidence whatsoever, swore in Sevier as clerk.

These entries follow:

"Ordered that David Hinkley be fined 30 L. for insulting the Court.

"Ordered that Hump Gibson be fined 10 L. for swearing in Court."

Then, after passing upon a motion or two:

"Ordered that Ephriam Dunlap Atty. be fined 5 Dollars for insulting the Court, especially Richard White."

It is not likely that any member of this court had ever held any office prior to his appointment as a justice of the peace therein, and it is not probable that many of them had ever been in a court of any kind before they organized that which they constituted; and yet the record shows that, from the first day of the first term and on through all of the many stormy sessions which they held thereafter, they guarded and defended jealously the dignity of their court and enforced obedience to its mandates. It was a heinous offense, indeed, and visited with condign punishment, to "insult the Court."

The aggregate fines imposed on Sam. Tate at one term amounted to forty thousand pounds;* and while fines were imposed on some one at every term, there are but two entries to be found on the record, from the February term, 1778, to and including the November term, 1790, showing that such fines were remitted.

At the May term, 1778, a somewhat embarrassing question presented itself. Some one of three persons, it would appear, had taken from Samuel Sherrill,** without his consent, his bay gelding, and left the country. They could not, therefore, get any one of the suspected persons into court or in custody, and they must have been in doubt as to which of the three did in fact ride the horse off; so they said:

“On motion it appears that Joshua Williams Johnathan Helms and a certain James Lindley did Feloniously Steal a certain Bay gelding horse from Saml Sherill Senr. Ordered that if the said Saml Sherill can find any property of the said Joshua Williams Johnathan Helms & said Lindley that he take the same into his possession.”

So far as the record shows, they never caught any of the defendants; but Sherrill must have got close on them at one time, for, at the August term, the court “ordered that a saddle and coat the property of Joshua Williams be sold and the money arising therefrom be left in the possession of Saml Sherill.” They could not capture and punish the thieves, but they could and did authorize Sherrill to seize the property of the rascals wherever he could find it.

The first case of high treason tried by the court was at the August term, 1778. This is the record:

“State

v.

High Treason.

Moses Crawford.

It is the Opinion of the Court that the defendant be imprisoned during the present war with Great Britain, and the Sheriff take the whole of his estate into custody which must be valued by a jury at the next Court and that the one-half of the said estate be kept by the said Sheriff for the use of the State and the other half remitted to the family of defendant.”

I have not examined the statute under which this county court tried, convicted, and imprisoned defendants charged with treason,

* Continental currency.

** This was the father of Catherine Sherrill, the “Bonnie Kate” of John Sevier.

and confiscated their property, to see whether or not they had a right to remit one-half of confiscated property to the family of the defendant, for the reason that I do not wish to know how the fact was. I am satisfied with the record as they made it, and leave others to look up the statute.

Having disposed of Crawford—and his property, too—they took up the case of Isaac Buller, whom, as he had neither family nor property, and the evidence, if any was heard (on motion), was a little vague, they simply put in prison until an opportunity should offer to make a better use of him. This is the summary manner in which they disposed of Isaac:

“On motion of Ephriam Dunlap that Isaac Buller Should Be sent to the Contl. Army, and there to Serve three Years or During the War On Hearing the facts it is Ordered by the Court That the said Isaac Buller Be Immediately Committed to Gaol and there Safely kept until the said Isaac can be delivered unto A Continent'l Officer to be Conveyed to Head Quarters.”

At the February term, 1779, the court made and entered of record an order prescribing the charges that tavern keepers might exact from guests, as follows:

“Diet 08s. 0: Lodging 1 night good bed and clean sheets 1s. 6d: Rum Wine or Brandy 3L. 4s. 0: Toddy pr Quart, & sprts of Rum therein 8s. 0. and so in proportion. Corn or Oats per Gal 4s. 0: Stabledge with hay or fodder 24 hrs 4s. 0: Pasturage 24 hrs. 2s: Cyder pr qrt 4s. 0: Bear pr qrt 2s. 0: Whisky pr Gallon 2L. 0. 0:”

After they had put the above on record, they entered upon the trial of their second case of a very high crime, as the following entry shows:

“State

vs.

For Treason Feby 1779

George Leivis.

On hearing the facts and considering the testimony of the Witnesses It is the Opinion of the Court That the defendant be sent to the District Gaol It Apg. To the Court that the said Leivis is a spie or An Officer from Florida out of the English Army.”

At this term, besides transacting routine business, they tried ten persons on charges of treason, convicted five of them, ordered their property confiscated, and sent them to the district jail at Salisbury—and the entire record of the term is contained on twelve pages!

If this court could have been transferred to the more intelligent States of Massachusetts or New Hampshire, and had held a few terms therein, "Shays' rebellion" would have been crushed out in a week, or all the "gaols" would have been filled with the rebellious and the public treasury with the proceeds of confiscated property. These patriots were in earnest.

At the May term, 1779, two entries appear as having been made on the same day, which show two sides of this remarkable court. The first entry is as follows:

"State

v.

For stealing a Ploughshear, hogs and some other

Pat Murphey

Things

The Court are of Opinion that the defendant pay 33L. 6s. 8d. to Zachr. Isbell for his Hog & 26L. 13s. 4 to Thos. Evans for his Hog and ten pounds fine And also receive Twenty Lashes on his bare Back well laid on by the Sheriff or Deputy."

The other entry was:

"Ordered that John Murphey be fined the sum of Twenty pounds for Ill Treatment to his reputed father Pat Murphey."

The court said that, in its opinion, Pat. Murphey was a bad man—and he was, as other cases in the records against him show; and they had him whipped, fined him, and, under the operation of the court's adjustable jurisdiction, rendered judgment against him in a criminal case for the value of two hogs; but these "backwoods" justices of the peace said to the reputed son of this old and hardened criminal that "Ill Treatment" of a father, by even a reputed son, would not be tolerated in that community.

At this May term, and following the entries just given, is another, which, in a few words and (so far as the record shows) without any previous notice, deprives a citizen of his liberty and of further opportunity to do harm to "the common cause of liberty," on the mere motion of the State's attorney. Here it is:

"On motion of E. Dunlap State Attorney it is ordered that John Holly for his Ill practices in Harboring and Abetting disorderly persons who are prejudicial and Inimical to the Common Cause of Liberty and Frequently Disturbing our public Tranquility in Genl. be Imprisoned for the Term & Time of One Year."

Up to the date of the entry of this order imprisoning John Holly "for the term and time of one year," on the mere motion of the

State's attorney, the record shows a little more formality in convictions for treason and the confiscation of property, as it will appear from the recitals that the court, "on considering the facts," or "on hearing the witnesses [or evidence]," "are of opinion," etc.

It is very doubtful whether there can be found (outside of Tennessee) another such judicial record as this one, made and entered on a mere motion, without the accused having previous notice or (so far as the record shows) being present in person or by attorney, and without any evidence being heard to support the charge, embodied in the motion, that Holly was an enemy to the public tranquillity generally and guilty of other specified offenses. It is safe to assume, however, that the court "knew" he was guilty, as they "knew" that John Sevier was entitled to the office of clerk when they dismissed Coeke's contest without hearing him at all.

At this term the court "nominated and appointed John Sevier, Jesse Walton and Zaehr. Isbell to take into possession such property as should be confiscated," and they gave "bond as such commissioners in the sum of Five Hundred and Fifty Thousand pounds."

And they had the "tax dodger" with them also, as early as August, 1779—the good citizen who always wants his full share of attention and protection by the law, without paying his just proportion of the taxes to support the government; but he could not escape this court's resourceful remedies for all exigencies. Here is given the disposition of the case:

"Ordered that the Sheriff Collect from Wm. More four fold: his Taxable property being appraised by the Best Information that John Woods, Jacob Brown & Johnathan Tipton Assessors could get—to the sum of Eight thousand pounds."

Even the smart and rascally tax dodger could not evade the law, with a court like that one to take hold of him.

At the May term, 1780, it was "Ord. that a fine of One Hundred pounds be imposed on John Chisholm Esqr for being Guilty of Striking and Beating Abram Denton in the Court Yard also Disturbing the peace and Decorum of the Court and that the Clerk issue an execution for the same." This fine is here set out for the reason that John Chisholm was one of the first justices appointed for the county—he was at the time a member of the court that imposed this fine—and, as the records show, was wealthy and prominent in public affairs, being trusted with various appointments by the court; and yet he did not escape the hand of correction so often

laid on offenders by the court in one or another way. The offense for which he was fined was committed, not in the presence of the court, but out in the court yard. I very much doubt if an instance prior to this one can be found where the limits within which it has been held that a contempt of court could be committed have been so extended as to include the court yard.

At the November term, 1780, the court formulated and entered the following very remarkable order:

"The Court appointed John Sevier, William Cobb, Thomas Houghton and Andrew Greer Commissioners for the County to be Judges of the Different kinds of paper Emissions in Circulation in this County or may be hereafter, in order to prevent frauds and Impositions that might be committed on said County, and for the purpose of Detecting and Suppressing Coins of this kind, who shall be the Judges & Viewers of all such Monies."

The record recites that these commissioners and judges "took the oath and entered into bond for the performance of sd Trust."

At the time these four gentlemen were appointed as a high commission to be "judges and viewers" of the currency of the realm, and "detectors and suppressers" of spurious or counterfeit "coins" and "paper emissions in circulation," all kinds of "such monies" seem to have got into "the new world west of the Alleghanies;" for, at the same term of the court making the order regulating the charges of tavern keepers, referred to above, two rates or schedules were prescribed—one in "paper emissions," the other in "coins." The order of the County Court creating this commission and investing it with power to "view" and "judge" of the genuineness of the circulating medium, and to detect and suppress such of it as should be adjudged fraudulent, does not point out the way, lay down any rules, or provide any method for the guidance and direction of the commission in the exercise of the powers given or the discharge of the duties imposed. It says simply what they shall do, or rather what they have been appointed to do, and then leaves them to do it. That they found out an effective way to exercise their powers there is not a doubt. They did not need to be given "mandatory" power. "Counterfeiters" had been "dealt with," before this domestic monetary commission was created, by some of the same men who constituted the commission.

One of the most delicate and difficult duties that devolved upon this commission, under the terms of the order creating it—particu-

larly the words, "in order to prevent frauds and impositions that might be committed," etc.—was in cases where a question was raised as to the genuineness of the money offered in payment by a citizen known to be upright and free from any suspicion of handling spurious money, to another equally honest, who refused it because he was doubtful as to its being "good money." The "judges and viewers" were called in to take action, and had to decide in effect whether or not the money offered was a "legal tender." Their decision was accepted, and henceforth that particular money circulated, if so ordered, without question, and performed all the functions of money, whether it was in fact genuine or spurious; if the decision was adverse, that money was thenceforth worthless.

As an incident of the power and authority vested in these "judges and viewers," arose the question occasionally of guilt or innocence, when a charge of counterfeiting or of willfully and knowingly passing spurious money was preferred. The person so charged was tried before the high currency commission, and its finding or judgment not only settled the question of the guilt or innocence of the accused, but made the particular currency involved either "sound money" or counterfeit in that entire country. John Sevier, according to tradition, was chairman of the commission; if his name was written on the "paper emission," it passed current thereafter, and when offered in payment was a "legal tender."

The court also "Ordered that Capt. John Patterson deliver unto John Halley a Certain Rifle Gun being the property of said John Halley."

Some very serious difference or grave misunderstanding between the court and Mr. James Gibson must have occurred at the November term, 1780, or at some time previous, if the record left in reference thereto be correct—and who would doubt it? Whether or not the court intended to suppress freedom of speech generally, it must be admitted that its action toward Gibson would certainly tend toward suppressing the public expression of a want of confidence in the integrity of that court, and putting a stop to the practice of "throwing out speeches" against it. The record relates that

"James Gibson being brought before the Court, for throughing Out Speeches Against the Court, to-wit,—Saying that the Court was purjured and would not do justice, and Other Glareing Insults. The Court On Considering the matter are of Opinion that the said James Gibson is guilty of a flagrant Breach of The peace & for the

same and the glaring and Dareing insults offered to the Court do order that the said James Gibson be fined the sum of fifteen thousand pounds & that he be kept in custody until same is secured."

Gibson, as the record shows, secured the fine. It is not to be supposed that any of the "speeches" which he had been "throwing out" were made in the court room or in hearing of the court, because the record states that he was "brought before the court." When and where he assailed this august body does not appear. This did not matter to them; their jurisdiction was as wide as the universe, and their power to punish him unquestionable, as they believed. The fine imposed on John Chisholm, a member of the court, for striking and beating Abram Denton out in the court yard; the fine imposed on John Murphey for "ill treatment" of his reputed father, no doubt at home; the order directing Captain Patterson to deliver "unto John Halley" a gun decided by the court to be "the property of said John Halley;" the method employed to punish Gibson; the creation of a commission to determine in effect what money should or should not be a legal tender, as well as the other matters, hereafter to be related, to which they gave attention, show that this remarkable court had no idea of having its powers limited and defined or its jurisdiction circumscribed.

Only two orders of the May term, 1781, will be noticed. The first is: "Ord, that Saml Tate be fined the sum of ten thousand pounds* for a contempt of Court and that the Clerk issue F. Facious vs his estate for the same." On a subsequent day of the term the clerk acknowledges the receipt of the fine imposed on Tate. The other order is: "Ordered that Jesse Greer be fined the sum of One Hundred pounds for a Contempt offered to the Court &c in refusing to deliver unto the Widow Dyckes her property as Directed By Order of the Court." Under their rules of practice, they did not require "the Widow Dyckes" to employ a lawyer and bring an action of replevin against Greer; they had heard the case at a former term "on motion," without stating on the record who made the motion, and had directed Greer to deliver the property in question to the Widow Dyckes, which he had refused to do. They did not require her to employ counsel to sue Greer and recover a judgment for the value of the property detained from her, issue execution, levy on and sell the property to satisfy the judgment; they made use of a

*It must constantly be kept in mind that these apparently enormous sums were in Continental currency.

much more direct method, by holding Mr. Greer liable for contempt and resorting to their favorite mode of administering justice without delay—to wit, “on motion” and “ordered.”

At the May term, 1782, nothing of any considerable consequence was done. The court “nominated and appointed John Sevier William Coeke and Valentine Sevier Commissioners of Confiscation for the year 1782, whereupon sd. Comr’s entered into bond with security for the sum of Fifteen Thousand pounds, Specie.”

The court, at this term, gave to a citizen who had evidently been “hiding out” permission to return to the settlements, as the following order shows :

“On motion that Joshua Baulding should be admitted to come in and Remain henceforth peaceably in this County. On proviso, that he comply with the Laws provided for persons being inimical to the State and have Rendered Service that will expiate any Crime that he has been Guilty of inimical to this State or the United States. The Court on considering the same Grant the sd Leave.”

This order, and others similar to it, which are not given place in this chapter, serve to establish beyond question the intense loyalty of the members of the court to “the common cause of liberty” (as the struggle of the Americans then going on against Great Britain was always designated), and also the vigilance with which they must have scrutinized the conduct of each individual. There can be no doubt that Baulding had fled and was hiding in the hills or mountains, and that he knew it would not be safe to return or “come in” without the permission of the court.

The August term, 1782, was one of the most memorable in the history of the court. It was a “Court of Oyer and Terminer & Genl. Gaol Delivery,” as well as for other county purposes. At this term it was presided over for the first time by a judge—“the Honl. Spruce McCay Esqr Present and Presiding.” He had the court opened by proclamation and with all the formality and solemnity characterizing the opening of the English courts.

On the first day of the term John Vann was found guilty, by a jury, of horse stealing, the punishment for which at that time was death. On the same day the record contains an entry to the effect that “the Jury who passed upon the Tryal of John Vann beg Leave to Recommend him to the Court for Mercy;” but no merey was shown him by “the Honl. Spruce McCay Esqr,” as the record discloses further along. During the week two more unfortunates—

Isaac Chote and William White—were found guilty of horse stealing; and, on the last day of the term (August 20), Judge McCay disposed of all three of these criminals in one order, as follows: “Ord that John Vann Isaac Chote & Wm White now Under Sentence of Death be executed on the tenth day of September next.” This is the whole of the entry.

The Judge was mistaken in saying that the three persons named in the order were “under sentence of death.” No such sentence is to be found of record; all that appears is an entry of the style of the case, as “State vs ” etc., in each case, and the entry opposite the case, that “the jury sworn to pass upon the Tryal do find the defendant guilty in manner and form as charged in the indictment;” but there is no formal sentence of death entered of record in either of the three cases. It is not probable that a parallel proceeding can be found in judicial history. Judge McCay utterly ignored the unanimous action of the jury who recommended John Vann to the mercy of the court. Can a case be found where a judge, in the United States, ever refused mercy to a criminal who was commended to him for mercy by the jury that found him guilty? Can another case be found where a judge caused three persons to be “executed” by one order, consisting of five lines and seventeen words, exclusive of the names of the criminals?

Judge McCay omits entirely to direct the method of executing the three criminals—he does not say whether they shall be hanged, shot, burned, or drowned—but they were executed, either with rope, rifle, or tomahawk, according to the good taste of the sheriff or the wishes of the defendants.

Tradition in that country gave Judge McCay the character of a heartless tyrant. He was said, while judge, to have always been on one side or the other of suits tried before him, and he never failed to let it be known which side he was on. He frequently indulged in lecturing, not to say abusing, juries publicly, when they returned verdicts contrary to his wishes and instructions. But “the Honl. Spruce McCay Esqr” found his match in the juries. They could not be driven or intimidated into giving verdicts contrary to their convictions; and whenever they differed with the Judge—and they always knew his views—in a case of weight or serious results, they would deliberately disperse, go to their homes, and not return any more during that term of court. In a case styled “State vs Taylor,” the record shows that the jury was sworn

and the defendant put on "Tryal." Nothing more appears except the following significant entry: "State vs. Taylor. The jury having failed to come back into court, it is therefore a mistrial."

Judge McCay may only have been, as has been said of him, "a man of strong character, determined and fearless in discharging his duty;" but so were the juries in that county, as the records show.

At the May term, 1783, there was made an entry which, when taken in connection with one which will be given immediately after it, will show how wisely these pioneers judged of men, and how necessary, sometimes, it was for them to take measures which at the time appeared harsh and cruel. The first entry is as follows:

"On petition of Lewis & Elias Pybourn that they who is at this time Lying out and keep themselves Secreted from Justice that the Court would permit them to Return to their Respective Houses and places of abode and Them the said Lewis & Elias Pybourn to give bond and sufficient Security for their Good behavior &c. The Court on consideration of the matter do Grant and Give Leave unto said Elias and Lewis Pybourn to Return accordingly on their giving bond & approved security to Capt. John Newman for their Good behavior &c."

A final entry, made in the "Superior Court of Law and Equity," at Jonesboro, seven years later—at the August term, 1790—in the case of the "State of North Carolina Against Elias Pybourn for Horse Stealing," justifies the members of the Court of Pleas and Quarter Sessions in having required Elias Pybourn to give security for his future good behavior. The full entry is as follows:

"The defendant being called to the Bar and asked if he had anything to say why sentence should not be passed upon him Saith Nothing. It is therefore Ordered that the said Elias Pybourn be confined in the publick Pillory one Hour. That he have both his ears nailed to the Pillory and severed from his Head; That he receive at the publick Whipping post thirty nine lashes well laid On; and be branded on the Right cheek with the letter H. and on his left cheek with the letter T. and that the Sheriff of Washington County put this sentence in execution between the hours of Twelve and Two this day."

Horrible, awful punishment! Marked for life; a description of his crime burned on and into his face with a hot iron—"Horse Thief;" both of his ears cut off close up to his head. What a hide-

ous spectacle! Was the mark placed upon Cain by the Almighty such that when people met him they said, "Let him alone; keep your hands off him; he has been punished sufficiently already?" Would not people say the same of poor, debased, degraded Pybourn?

Was the punishment inflicted on Pybourn barbarous? Yes; but the court had warned him of the wrath to come, and had first made him flee to the forest for safety—better had he gone to the Indians—and had then given him permission to return to his home, on condition that he would reform and behave himself. The only entry found in the whole of the records to soften in the slightest degree the harsh and (it may be said) inhuman punishment meted out to Pybourn, is one that suggests the horror that came over one Joseph Culton, when he discovered, after he had emerged from a single combat with Charles Young, that the latter had bitten off one of his ears. Culton, of course, regretted the loss of his ear, and was still more annoyed to be thus disfigured for life; but these were the least of his troubles—somebody thereafter might think that he had been "cropped" for crime. What was he to do? He appeared at the November term, 1788, of the Court of Pleas and Quarter Sessions, whose jurisdiction knew no limits as to venue, time when, or subject-matter, and the following entry was made for his relief and protection from suspicion:

"Joseph Culton comes into Court and Proved by Oath of Alexander Moffit that he lost a part of his left Ear in a fight with a certain Charles Young and prays the same to be entered of record. Ordered therefore that the same be Admitted Accordingly."

It is not probable that any one ever examined this entry and demanded to see the page whereon the lost ear had been formally entered of record; but it is certain that Joseph Culton carried with him constantly a certified copy of the entry which attested that he had been maimed in honorable combat, and not as a punishment for violation of law.

This wonderful County Court, before and since which there has been none like it, adapted or adjusted its jurisdictional powers and methods to all matters, questions, and conditions that could be brought in any way to its notice. When a stranger came into the community, it did not content itself with letting him alone, no matter how quietly and orderly he might conduct himself; it had him interviewed, as the entry here quoted will prove:

“The Court Order that Wm Clary a tranecient person give security for his behavior, and return to his family within five months, as the said Clary is without any pass or reecommendation and confesses he left his family and have taken up with another woman.”

The most that the average detective could have got out of Clary would have been that he came from—where he started, and was going—where he went; but the court found out more than this about him, and they must have got it from his own mouth, as the order, after reciting facts that they could have got from him only, concludes by setting forth a very damaging confession which he had made, and which, all will agree, justified the court in requiring security of him for his behavior while he might remain in their midst, and peremptorily ordering him to return to his family within a stated time.

By the time of the meeting of the August term, 1784, the court had pretty well purged the country of traitors, horse thieves, “tran-cients,” etc. At this term the court seems to have turned its attention to the ugly habits of some of the very respectable; for, on the first day of the term, as the record shows, fines were imposed and paid as follows: “Eml. Carter three prophane oaths 8s. 10d. pd: Pharoh Cobb four prophane oaths 10s. 8d. pd: Buckner Nantz One prophane swearing Oath prays mercy Granted: Valentine Sevier for prophanely swearing 4 Oaths fined 10s. 8d. pd: Mark Mitchell for swearing One prophane Oath fined 2s. 8d. Patrick Murphey One Oath, Michael Tylloy Two Oaths.” This treatment seems to have been effective; for, no fines being recorded after the first day, it is reasonably sure that no “prophane oaths” were indulged in during the remainder of the term, at least in hearing of the court.

As a result of the many battles with the Indians and the numerous Indian massacres which had occurred, numbers of children were left without fathers or mothers. They had no orphan asylum, but the records of the court show that homes were provided for these wards, nevertheless, by the Watauga and King's Mountain heroes. They had no county asylum for the poor; but the County Court, whose jurisdiction could be extended to meet all emergencies, “ordered” some citizen by name to “take and keep” the person named therein for the time specified. These orders contained no recital that they were made by the consent of any one; they emanated from the inherent power and duty of the court, as it believed, to provide for the poor.

The entries and orders selected from these old records are given, in order that those who wish to know something of the views, characters, and abilities of the very earliest pioneers of Tennessee may read for themselves the views and opinions which they placed in solemn form on court records, in reference to the various matters, questions, and conditions on which, as they thought, the vicissitudes of the times made it necessary for them to take action. I wish to give, at this place, two more orders of the court, before closing this chapter. At the November term, 1784, the following was entered on the record:

“The Court recommend that there be a Court House built in the following manner, to wit: 24 feet square diamond corners and hewed down after the same is built up, 9 feet high between the two floors, and the body of the house 4 feet high above the upper floor, each floor to be neatly laid with plank. The roof to be of joint shingles neatly hung on with pegs, a Justices bench, A lawyers and a Clerks bar, also a Sheriffs box to sit in.”

At the November term, 1785, the following was entered:

“The Court Ordered that Col'o Charles Roberson be allowed fifty pounds Current money for the building of the Court House in the Town of Jones Borough.”

As this was the first courthouse erected in what is now Tennessee, and the one in which Andrew Jackson, John McNairy, Archibald Roane, William Cocke, David Campbell, and others began their professional careers, and in and about which John Sevier, though not a lawyer, rendered so much and such invaluable service in laying the foundations of our State and its civil as well as military institutions, I have had it reproduced, and present a picture of it in this little volume. From what has been said, and from the records which have been quoted, the imagination can picture the scenes and proceedings occurring in this “temple of justice”—for such it was, although made of logs “hewed down” and the covering “hung on with pegs.”

These early records challenge comparison, in spirit, form, and substance, with any others made during the same period in any community, country, or State in the United States. No patriotic, intelligent people can read them without being filled with admiration and inspired with respect and reverence for the men who made them. They said, on the first day of the first term of the court, The

court must be respected. To the cruel son, You shall not illtreat your father, though he be a criminal; to the vagrant without a "pass or recommendation," You must give security for your behavior or leave the community; to the man who had abandoned his wife, You must return to your family; to the strong and influential, You must render unto the widow her own, or we will force you to do so by fines that will make you glad to obey; to the tax dodger, You shall pay your proportion of the taxes; to a member of the court, No matter what your position is, if you cruelly beat your neighbor, we will take from you a large part of your wealth and turn it into the public treasury; to the man who was "throwing out speeches" calculated to destroy the influence of the court for good, You must not malign the court, no matter when nor where—if you do, we will lay the heavy hand of summary punishment upon you; to such as were stirring up sedition and opposition to "the common cause of liberty," You shall not remain openly and peaceably in the community without giving security for your good conduct; to thieves, We will fine, whip, brand, and hang you; to Tories, We will confiscate your property and imprison you; to the British, We will meet and fight you on every field, from the mountains to the sea; to the Indians, We will fight you, too, from the mountains to the lakes and the gulf. And they did it all. Who could have done more? They were heroes, one and all; but history, it seems, has long since given them over to oblivion.

Although, in 1788, they had passed through a "general insurrection of the times," as chronicled by the clerk of the court under the State of Franklin, and had no doubt come out somewhat demoralized, still the habit of doing what they believed to be right was so strongly imbedded in their natures that, at a term of court (February, 1788) held after its reorganization following the Franklin collapse, they imposed upon and collected from one of the most prominent citizens of the county a fine for swearing in the court yard. The record recites that "Leroy Taylor came into Court and pays into the Office the fine prescribed by Acts of Assembly for one profane Oath which was accepted of. Ordered therefore that he be discharged. 21s." Leroy Taylor was elected from Washington County as a delegate to the Constitutional Convention of 1796, and was kept in the General Assembly almost continuously for eight or ten sessions after Tennessee was admitted into the Union; he was the author and introducer of the first resolution offered in the Gen-

eral Assembly (in 1801), raising a committee to prepare a design for the great seal of the State of Tennessee; but, with all his prominence, he could not with impunity make use of even "one profane oath" in hearing of the County Court of Washington County.

The achievements of these old pioneers will run, however, "like the covenants of warranty with the land" they loved so well. A few glimmering memories, a few dim traditions, some scattered fragments of stories—these are all that is left (outside the old court records alluded to) of many of these men, every one of whom was a giant in morals and a Colossus in intellect, as compared with many modern pygmies whose little deeds have been magnified into great achievements.

If the structures of State, county, and municipal institutions in Tennessee, and the social fabric as well, had been kept in harmony with the pure, simple, steadfast, and enduring foundations laid by John Sevier and his contemporaries, what models we would have to-day for the world to imitate! Are we wiser or better than they? Read and study these old records; then answer.

FEBRUARY TERM—1778.

THE OATHS OF THE JUSTICES OF THE PEACE.

Washington County.

I, A. B., do solemnly swear that as a justice of the Peace and as justice of the County Court of Pleas and Quarter sessions in the County of Washington in all articles in the Commission to me directed I will do equal right to the poor and to the Rich to the Best of my judgment and according to the Laws of the State.

I will not privately or openly by myself or any other person be of Council in any Quarel or Suit depending Before me. And I will hold the County Court and Quarter sessions of my County as the Statutes in that case shall and may direct. The fines and amercements that shall happen to be made and the forfeitures that shall be incurred I will cause to be duly entered without concealment. I will not wittingly or willingly take by myself or by any other person for me any fee, gift, gratuity or reward whatsoever for any matter or thing by me to be done by virtue of my office except such fees as are or may be directed and Limited by Statute; but well and Truly I will do my office of a Justice of the Peace as well within the County Court of Pleas and Quarter sessions as without. I will not delay any person of common right by reason of any Letter or Order

from any person or persons in authority to me directed or for any other cause whatever; and if any Letter or Order come to me contrary to Law I will proceed to enforce the Law such letter or order notwithstanding.

I will not direct or cause to be directed any warrant by me to be maid to the parties; But will direct all such warrants to the Sheriff or Constables of the County or other the officers or ministers of the State or other Indifferent persons to do execution thereof—and finally in all things belonging to my office during my continuance therein I will faithfully, Truly and Justly according to the best of my skill and Judgment do equal and Impartial Justice to the Public and to Individuals.

So help me God—

Jas. Robertson
Valentine Sevier

John Carter
John Sevier
Jacob Womack
Robert Lucas
Andw Greer
John Shelby, Jr.
George Russill
William Been
Zacr. Isbell
Jno. McNabb
Tho: Houghton

William Clark
Jno McMaihen
Benjamin Gist
J. Chisholm
Joseph Willson
William Cobb
James Stuart
Michl. Woods
Richard White
Benjamin Wilson
Charles Roberson
William McNabb
Thos Price
Jesse Walton.

At a Court begun and held for the County of Washington the
23rd of February 1778

Present

John Carter, Cha.

John Sevier
Jacob Womack
Robert Lucas
And. Greer
John Shelby
George Russell
William Bean
Zachariah Isbell
Jno. McNabb
Thomas Houghton
William Clark

John McMahon
Benjamin Gest
John Chisholm
Joseph Willson
William Cobb
James Stuart
Michael Woods
Richard White
Benjamin Willson
James Robertson &
Valentine Sevier

Esqrs.

Took the oaths as prescribed by Law and proceeded to Business accordingly.

Adjourned till to-morrow morning ten oclock.

Tuesday met according to adjournment

John Sevier chosen Clark for the County
Valentine Sevier Sheriff
James Stuart Surveyor
John Carter Entry taker
John McMahon Register
& Jacob Womack Stray master.

Adjourned till to-morrow nine oclock

Wednesday morning—met according to adjournment

Ord. that Amos Bird and John Smith be jurors to attend the next Supreme Court for the district of Salisbury

Elijah Robertson *vs* Robert Sevier for an assault—Ordered that Robert Sevier be bound to his good behavior and enter into Recognizance with two securities in the sum of Ten pounds himself (and five pounds each of his security) for his good behavior for the Time and Term of Twelve months.

William Parker and Wm McNabb entered themselves Robt. Sevier's security for his good behavior

Ordered that James Mauldin, Josiah Hoskins and John Higgons be appointed to assess all the taxable property of the people living above the Iron Mountain in this county.

Ordered that Benjamin Cobb, Solomon Smith and Wm Asher be appointed to assess all the taxable property of the people—

Thursday—Ordered that John McNabb be appointed Coroner of the County. Court adjourned till Court in Course

John Carter
John McNabb
Michl. Woods
George Russell
Benjamin Wilson
Robert Lucas

At a Court begun and held on the 25th day of May 1778 at the house of Charles Robertson

Present

Richard White
Jacob Womack
Thomas Houghton
Benjamin Willson
John Chishom
Benjamin Gest

Michael Woods
Joseph Willson
Jno McNabb
William Clark
& George Russell

Esqs.

State

vs.

Zekle _____

Ordered that the defendant be committed to Gaol Immediately and be kept in custody until he can be conveniently delivered to a Continental officer.

Monday—May Court

Wm Aikin

Jas Hollis

Amos Bird

John Nave

Arthur Cobb

John Dunham

Peter McLemee

John Patterson (ab.)

Nathaniel Clark

Jas. Willson

Drury Goodin

Chas. Gentry (ab)

Jacob Brown

David Hughes (ab)

Joseph Fowler (ab)

Robt. Shurley (ab)

Jas Grymes

Robt. Blackburn

John Clark

Hosea Stout

Andrew Bunton (ab)

John Hoskins

Ning Hoskins

Grand Jurymen

Tuesday—Met according to adjournment

Ordered: that David Hicky be fined five pounds for Insulting the Court. Chas. Robertson, Jr., entered security for the payment of the same at Laying next par. Leacy

Tuesday 26th May.

Emmanuel Carter presented to the Court four pounds five shillings and four pence being the residue left of the price after deducting Constable fees and paying John Chisholm £2, 14 of a certain horse and saddle sold by order of Col. Carter belonging to Robert ——— who maid his escape from Emmanuel Carter after being committed to gaol on suspicion of horse stealing and said money ordered to be left in hands of the Clark.

May Court—Tuesday the 26th day 1778

State

vs.

Jacob Brown.

Ordered that Jacob Brown give security for one hundred pounds himself and two securities in the sum of fifty pounds each.

William Clark Esq and John Nave entered themselves security

for the defendant's good behavior for twelve months towards the State and especially towards Amos Bird.

Anne Bullar maid oath that she attended at Court in behalf of Amos Bird plttf. vs. Jacob Brown defdt. three days and supposed to be 25 miles and is also allowed one day for returning home.

John Shurley attended two days at Court in Behalf of Amos Bird plttf. vs. Jacob Brown defdt. the distance supposed to be 15 miles.

Eduard Shurley attended 2 days at Court in behalf of Amos Bird plttf. vs. Jacob Brown dfdt. supposed to be 14 miles.

On motion it is ordered that Joseph Bullar give security for his personal appearance at the next Court, himself one hundred pounds and two securities in the sum of fifty pounds each. Edward Hobson and William Trimble acknowledged themselves his security.

Tuesday 26th May.

Ordered that Zekle ————— be discharged by the Sheriff he the said ————— having enlisted into the Continental Service.

James Grymes' earmark a crop in the Left ear and underkeel in the same, also a slitt in the ear, and the same is ordered to be recorded.

Ordered that the Clark cause the Sheriff to summons a jury or jurys to try the defendant, Cavits entered with the Entry taker and returned to this Court, and that they make report to next Court according to Act of Assembly.

Wednesday morning met according to adjournment.

State

vs.

James Bradley.

Ordered that defdt. enter into security for his appearance at next Court in the sum of fifty pounds for himself and two securities in the sum of twenty five pounds each. Thomas Price and Joseph Bullar acknowledged themselves his security.

Ordered that John Tye be summoned to appear next Court vs. Shadrack Moory.

Ordered that Jas. English be summoned as witness vs. Shadrack Moory the next Court.

William Bayley Smith

vs.

James Smith

Judgmt. acedg. to acct. proved. Land ordered to be sold and the accounts on James' Books condemned to use of plttf.

John Sevier

vs.

Richd. Davis.

Attchmt. dis. plffs. cost.

.

The State

vs.

Elijah —————

It is the opinion of the Court that the defdt. be committed to the District gaol for further trial and that defdt. be immediately confined or give two sufficient securities for his appearance at the next Superior Court to be held for the district of Salisbury for the sum of one thousand pounds for himself and five hundred pounds each security.

Thomas Price and William McNabb Esqrs came into Court and acknowledged themselves the defdts. security for his appearance at the Superior Court to be held at Salisbury the 5th day of September next to be Levied of their Goods and Chattels.

Charles Robertson came into Court and acknowledged the conveyance of 640 acres of land unto Matthew Talbert and the same is ordered recorded.

Chas. Robertson Esq came into Court and acknowledged the conveyance of 115 acres of land unto Matthew Arthur and the same is ordered to be recorded.

The Last Will and Testament of John Cox decd. was duly proveyd by the oaths of Col. John Carter and Emanuel Carter and the same is to be recorded.

May 27 1778.

Ordered that a commission be directed to Isaac Shelby and James Montgomery Esqrs. to take the deposition of Robert Callwell and Edmund Waring in behalf of Elijah —————

On motion it appears that ————— and ————— and ————— did feloniously steal a certain bay gelding from Saml. Sherrill Sr

Ordered that if the sd. Saml. Sherrill can find any property of the said ————— and ————— and ————— that he take the same into his possession, he first Leaving bond and security with the County Clark payable to the Court in behalf of said —————

and ———— and ———— for the safe keeping the same until Lawfully called for.

Court adjourned till Court in course.

Charles Robertson
Robert Lucas
Jno McNabb
Wm McNabb
Benjamin Wilson

August Term 1778—

At a Court Begun and held for the County of Washington.
The 24th day of August 1778.)

Present

Jacob Womack

Joseph Willson
Thomas Houghton
Andrew Greer
William Been
William Clark
Zachr. Isbell
Benjamin Willson
Benjamin Gist

John Shelley
Michl. Wood
Joseph Walton
Wm McNabb
John McNabb
Robt. Lucas
William Cobb

State

vs.

Shadrick Morris.

It is the opinion of the Court that the Defendt. Give Security for his Good Behavior in the sum of Two Hundred pounds himself and Two securities in the sum of One Hundred pounds Each for his Good behavior for the Time of Twelve months.

Shadrick Morris came into Court and acknowledged himself indebted in the sum of 200 pounds. John Gibson acknowledged himself Indebted in the sum of 100 pounds. John Durham acknowledged himself Indebted the sum of 100 pounds. To be Levied of there Goods & Chattles Respectively.

Monday 24th Aug. 1778.

William Cocke by His Council Waightsil Avery Attorney moved to be Admitted to the Office of Clerk of the County of Washington—which motion was Rejected by the Court Knowing that John Sevier was Intitled to the Office.

Court adjourned till to-morrow 9 o'clock.

Tuesday 25th day.

Met according to adjournment.

Present the Worshipful

Jacob Womack

Michael Woods

Zachariah Isbell

Wm Clark

Geo. Russell

Wm Been

Jno. Chisom

Joseph Willson

Jesse Walton

Jno. McKnabb

Thos. Houghton

Esqs.

The Sheriff returns here into Court a Certain declaration in the trespass and ejectment at the suit of Solomon Saveall on the demise of Geo. Wilford and Catherrin Adams against Simpleton Spendall with a certain notice on the back of said declaration copy whereof was served by the said Sheriff upon Jno. Clark as tenant in possession of the premises, advising him to make himself Deft. in the stead of Simpleton Spendall, otherwise the said John would be turned out of possession.

On motion of Waightstill Avery, Atty for Jno. Clark, it is the opinion of the Court that the suit be dismissed.

Tuesday 25th Aug. 1778.

The Sheriff returns here into Court a Certain Declaration in the Trespass and ejectment at the suit of Solomon Saveall on the Demise of Geo. Willfong and Catherin Adams Against Simpleton Spendall. With a Certain notice on the back of said declaration, a copy whereof was served by the said Sheriff upon John Redding as Tennant in possession of the premises advising him to make himself defendant instead of the said Simpleton Spendall. Otherwise the said John would be turned out of Possession.

On Motion of Waighstil Avery Attorney for Jno. Redding. It is the Opinion of the Court that the suite be Dismist.

On petition of Amos Gavin sitting Forth that he has built a Grist mill on Roans Creek, he only being proprietor of the Land on One side of the Creek and that James Manden owns the Land on the Other Side, and that the said James be summoned to Apear at the Next Court to Answer said petition which it is commanded that said James be summoned.

The State to Moses Crawford—

It is
the

opinion vs the Court

That the defendant be Imprisoned during the present War with Great Brittian, and the Sheriff take the whole of his Estate into Custody, which must be valued by a Jury at the next Court, and that the One half of the said Estate Be kept by said Sheriff for the use of the State, and the Other Half remitted to the family of the Defdt.

The Conveyance of 640 Acres of Land from Charles Robertson and Suzanah his Wife to Joshua Houghton was proven by the Oath of Tho. Houghton Esq.

The Conveyance of 587 acres of Land from Chas. Robertson and Suzanah his Wife Was proven by the Oath of Tho. Houghton Esq. The same is Ordered to be recorded.

On Motion it is the Opinion of the Court that Saml Tate pay the sum of 2 per cent to the Chairman for insulting sd. Court, which the said Saml. Tate have accordingly paid to J. Womack Esq.

Jno. More came into Open Court and acknowledged the conveyance of 320 acres of Land unto Cleaver Barksill, and the same is ordered to be recorded.

On private Exam. of Suzanah Robertson it appears that she was willing that her husband Charles Robertson should convey Two certain Tracts of Land unto Joshua Houghton, viz , one for the no. 640 acres and the Other for 587.

Joseph Buller By his Council Waightstil Avery, being before the Court moved to be discharged from a Comitment of Michael Woods and William Clark Esq; Justices of the Peace to the Goales of said County in Order To be turned Over to the Continental Service for three years or during the War.

Tuesday 25th Aug.

Upon the Information of the facts, the Court is of the Opinion that Joseph Buller ought to be discharged and he is therefore here discharged.

Court adjourned till to-morrow 8 O'clock.

Mett according to Adjournment.

Wednesday 26th day 1778.

Present the Worshipfull

Jacob Womack

Thos Houghton

Jno McNabb

Zachr. Isbell

Michael Wood

& Benj. Gist, Esqs.

Ordered that the Sheriff summon Amos Bird and Jno. Smith to attend the next Supr. Court as jurymen.

Ord: that Margaret White an Orphan Girl be bound unto Baptist McNabb until the said Girl come to the year of 18, he the said Baptist conforming to the Laws maid and provided for in that case.

Robert Young By his Council E. Dunlap motioned that a Verdict of Jury on a matter of Controversy Between said Young plantif and Evan Shelby Defendant should not be recd. On hearing the facts the Court are of Opinion that the Sheriff summon a new Jury and make return to next Court.

Wednesday 26 Augt 1778.

Michael Hider

vs. in Law

Amos Bird.

The Jury find for the plaintiff—Warrant issue accordingly. My fees paid.

Bartley Hinson

vs. Caveat
on Land

Robert Patterson.

The jury find for the plaintiff. Ord. that warrant issue.

McNabb

vs.

Z. White.

On motion ordered that a commission issue to Andrew Greer and John Shelby Esq to take the deposition of Elias Lane on behalf of Zachr White that the same may be given in the above suit.

State

vs.

Moses Crawford.

A summons from under the hand of Wm Clark Esq one of the Justices of the Peace for said County requiring Moses Crawford to appear before this Court on the first day of the present siting thereof and take the oath of allegiance to this State is returned into Court here by John Smith Constable Executed on the said Moses Crawford. The said Moses Crawford is solemnly called and fails to appear according to the summons aforesaid.

It is ordered by the Court that the said Moses Crawford shall be permitted to remain within State and that sd. Moses Crawford for

the offence aforesaid hath incurred the penalties shall be subject to all the disa: in such case enacted, and providd. in the 9th section of an act entitled an act of the General Assembly of the State for declaring what crimes and practices vs. the State shall be Treason or Misprision of Treason and providg. punishmt. adequate to crimes of both classes and for preventing the dangers that may arise from persons disaffected to the State.

James Daniel

vs.

Evan Shelby.

Verdict for Shelby. Ord. that warrant issue accordingly.

The State

vs.

John Rodgers.

Defdt. brought into Court for Tryal and upon his Tryal pleads not guilty.

States Evidencee—Elizabeth Shoat Sworn

Edward Shoat

Dfts Evidencee—Jean Williams Jurat

Lidia Cross

It is the opinion of the Court that John Rogers be sent to the Superior Court.

Elizabeth Shoat Prin. Recog. £100.

Edward Shoat

Saml. Smith Sec. £50.

William Ward Each

Void upon condition that Elizabeth Shoat and Edward Shoat appear as evidence in behalf of the State vs. John Rodgers at the Superior Court in Salisbury the fifteenth day of September 1778 and not to Depart without Leave.

On motion of Ephraim Dunlap State Attorney that Joseph Bullar should be bro: before the Court and reheard on a matter argued and order maid yesterday by the Court that sd. Jos. Bullar should be discharged from a Comit. of Michael Woods and Wm. Clark Esqrs. to Gaoler of the County directing him to be turned over to the Continental Service for three years or During the War. The Court are of opinion that the sd. Joseph be brought and reheard.

Ambrose Mauldin Prin. recog. £500

Benjamin Willson Secty. each, £250 •

Philip Shelley

James Wray

Void on condition that Ambrose Mauldin appear at the next Court and not depart without leave thereof.

On motion of Saml. Tate by Waightstill Avery his attorney to confirm a jud: of Washington Court in Virginia, that Ann Newman should serve a certain time mend. in sd. Order.

The Court is of opinion that same order is Illegal and the sd. Ann Newman be Sett Free and Discharged being no longer a servant.

Samuel Tate came into Court and prayed an appeal to the Superior Court which was ordered Granted.

Joshua Bolden

vs. On Cavit.

John Rice.

Verdict for the Defdt. Ord. that warrant issue accordingly.

Court adjourned till to-morrow 8 oclock.

Thursday 27th day.

Met according to adjournment.

Present John Carter, Cha.

John McNabb

Benjamin Gist

Thos. Houghton

Michael Woods

Jesse Walton

& Chas. Robertson

Esqrs.

Ord: that collectors for the several Districts in this County collect the following sums, to-wit:

For every hundred pounds worth of property as by generl. assmt.

16|8

For Building Court House prison and stocks

2|6

For Building Court House in Salisbury

4d

For the Contingent charges of the County

1|

Amounting in the whole to twenty shillings and six pence

J. Carter and Thos. Houghton disents from this.

Ordered that John Sevier Clk. be admitted to take 30| for his service in each Caveat & Issuing summons, whatever the Law allows which is there prescribed

Ordered that Valentine Sevier, Sher. be allowed for his ex-officio services the sum of £50. for the year 177—

Ordered that John Sevier be Pd. £60. for his ex officio services for the year 1778

Ord. that William Ward be allowed the sum of 39| for summoning 26 persons to give in an inventory of their Estates.

Ord: that Emanuel Carter be allowed the sum of £3,0.0. for summoning 40 to appear also

Ord: that Samuel Lyle be allowed the sum of £4.10. for summoning 60 to appear also

Ord: that John Smith be allowed the sum of £4.17.6 for summoning 65 to appear also

State

vs

Henry Box

It is the opinion of the Court that Henry Box be discharged.

On motion of Ephraim Dunlap that Isaac Butler should Be sent to the Contl Army and there to serve three years or during the War.

On hearing the facts it is ordered by the Court that the sd Isaac Butler be immediately committed to gaol and there safely kept until he the said Isaac can be delivered unto a Continentl officer to be conveyed to Head Quarters

Ord: that the Clark certify to the Hon: the Chief Justices of this State No. Carolina that Epraim Dunlap is a Gentleman of Honesty, probity and Good Behavior and well Qualifyd to act as an atto:

Samuel Tate Prin. in the sum of £100. and Greer & Emanuel Carter sec. £50. ea

Void on condition that the sd. Saml. Tate prosecute on an appeal prayd. for by the sd. Saml. Tate from this Court to the Superior Court with effect.

The said Saml. plaintiff Ann Newman defdt.

Thursday 27th August 1778

Benjamin Rodgers

vs

Peter Ford

Caveat—Returned by the Sheriff. Settled & agreed—All fees paid. Vol. Sevier Senr. Abraham Sevier Julius Roberson. Zachariah White Dempsey Ward, Andrew Thompson Gideon Morris

Robt. Sevier Jeremiah Dungan came into Court took the Oath of Allegiance

Ord: that the Sheriff make sale of six head of Creatures Taken by John Sevier from Joseph Box called the property of Zekiah Collins, Wheel Right and make return of the money arising from the sale thereof to the Treasurer

Isaac Buller Prin. Recog. the sum £300. Joseph Bullar secu. the sum of £150.

Void on condition that the sd. Isaac Bullar do apprehend 2 Deserters especially Joshua Williams and a certain Dyer who keeps in company with sd. Joshua Williams by the 20th day of September next and deliver them to proper authority.

Court adjourned till to-morrow morning 8 o'clock

Fryday morning—Met according to adjournment 28th day August

Present

John Carter
Benjm. Gest

Thos. Houghton
& Charles Robertson

Esqrs.

Maj'r Charles Robertson acknowledged the conveyance of 568 acres of land unto Thom: Houghton.

Ord: that the Sheriff summon Amos Bird, John Clark, Isaac Johnson, Danl. Kenedy, Wm Trimble, Francis Hughes, John Knave, Joseph English, Adam Willson, John Russell, Pharaoh Cobb, Benj. Cobb, Josiah Hoskins, Phillip Shelly, John Hoskins, Solomon Smith Samuel Henry Jonas & Little to serve as grand jury men at our next Court

Christopher Cunningham came into Court and took the affirmation of allegiance to this State.

Joseph Denton David Hickky & Michael Hider came into Court and took the oath of allegiance to this State.

Ord: that a com. issue to John Colter and Isaac Shelby Esqr. to take the depos: of Ruth Morris, Lydia Cross, Mary Tye & John Crockett on behalf of John Rodgers defdt. the State pltf.

Mich: Hider by his Council L. Bowyer prayed a continuance of his suit vs Amos Bird on Caveat until next Court which was Granted accordly.

Jas. Dentons Ear mark on his Cattle Hogs & Sheep is a crop of the Left ear, and what is called a half —— out of the under side of the right ear which is ordered to be recorded.

Ord: that Thomas Price and Wm Blevins be sund: to appear at the next Court to prove the convey: of the Wattauga purchase to Charles Robertson on Behalf of the people living thereon.

Christopher Cuninghame came into Court and acknowledged himself indebted on Recog. £100. Void on condition that he shall appear at the next Supr. Court as witness vs Elija. Robertson in behalf of the State.

Thos. Houghton—same—

On motion ord: that Thos. Houghton Esq collect the monies due from the several Districts of which Jno McNabb, Benja. Willson & John Chisom maid returns to this Court; also that Benjamin Gist collect for the Districts that Zach: Isbell, Jacob Womack and Wm Been made return of.

Thos. Houghton entered himself, Chas. Robertson & Joseph Tipton as bond for the sum of £3000. for performance of same

Benj: Gist entered himself into bond with Chas. Robertson & Thos. Houghton his sectys. in the sum of £3000. for the performance of the same.

William Ward attended Court as Constable 5 days.

Mrs. Suzanah Robertson being privately Examined as feme.covert acknowledged. her consent to the conveyance of 568 acres of Land from herself & Chs: Robertson her husband to Tho: Houghton Esq.

Joseph Tipton, Chas. Robertson (Buffalo), Hugh Henry, Jno. Hughs, Saml. Denton, Geo. Little, Jas. Denton, John Cuninghame, Thom: Little, John Odull, Chris. Cuninghame Jr., Geo. Reeves, John Brown Sr., John Brown Jr., Wm Reeves, Jacob Chamble came into Court and took the Oath of Allegiance.

Gordon Reeves came into Court and took his affirmation of allegiance to the State.

Ord: that a saddle and coat the property of Joshua Williams be sold and the money arising therefrom to be left in the hands of Saml. Sherrill—also one saddle and coat the property of one Dyer to be sold and the money left in the hands the sd Saml. Sherrill

Court adjourned till Court in course

John Carter
Thos. Houghton
Benjamin Gist

WASHINGTON CO. RECORDS NOVEMBER TERM 1778

At a County Court begun and held for the County of Washing-

ton on the 23d day of November 1778 at the Dwelling house of Matthew Talbert

Present the Worshipful

John Carter Cha:

Charles Robertson

Joseph Willson

John McNabb

William McNabb

Thomas Houghton

William Clark

James Stuart

Benjamin Gist

On motion of Ephraim Dunlap esq to be admitted to practice in this Court as an attorney— The Court on his first producing a license from the Honble: Saml. Speneer and Saml. Ashe Chf. Justices of this State admitting the sd. Ephraim Dunlap Esq to practice as an attorney in the several County Courts within this State do hereby authorize and admit the sd. Ephraim to plead in this County Court as an attorney

Ord: that a return made by Jacob Womaek, Jesse Walton, Geo. Russell, Joseph Willson, Zach. Isbell and Benjamin Gist some of the Commissioners appointed to Lay off the place for Erecting the Court House, prison, and stocks, and the said return is ord: filed in the Clerks office

Charles Robertson Esq acknowledges the convee. of 640 acres of land unto Henry Lyle

On Petition of Michl. Bacon to have Leave to build a mill on the Creek called Little Limestone, it is therefore consd that sd. Michl have Leave to Build a mill on sd. Creek on Proviso that he build sd. mill on his own Land.

On motion of James Pearce by his Council E. Dunlap to build a Grist mill on Little Limestone Creek it is the opinion of the Court that the sd James Pearce have leave to build a mill on the sd creek on his land where he now resides

Ord: that Wm McNabb Esq. be appointed stray master for the County.

Jacob Brown acknowledged the Convey: of 358 acres of Land unto Humphrey Gibson.

Ord: by the Court that Pheba Collins have three creatures returned to her that was ord: by the Last Court to be sold by the Sheriff sd creatures supposed to be the property of Hezekiah Collins, the sd Pheba first proving her property to sd Creatures before some Justice of the peace for this County

Ord: that the Clerk issue orders to the Sheriff to have the Dif-

ferent Caveats returned to this Court by the Entry taker Try'd. between the parties and make return to the next Court.

Ord: that Ded: potestatem be directed to two Justices of the County of Tryon to take the depon of John Potts, Isaac Baits and John Sprigs in a suit depending between John McNabb defdt. and Andw Taylor plttf.

Ord: that Betsy Fauling and John Chisom Esq have Leave of administration on the Estate of Wm Fauling Deed they first giving Bond and secty as required by Law

Danl. Kennedy, John Nave, Benjm. Cobb, Solomon Smith, Saml. Henry, Jonas Little, Caleb Odull, Jas. Hollis, Ezl. Smith, Hum Gibson, Jas Pearce, John Moore, Matt. Little, Jas Mauldin, Julius Robertson, James Henry and Wm Asher Grandjurymen—Sworn

Ord: that Hump. Gibson be fined 10| for swg. in Court

Ord: that Amos Bird, John Clark, Francis Hughes, Joseph England, Adam Willson, Pharaoh Cobb, Josiah Hoskins, Phillip Shelly and John Hoskins be fined accord. to Law for not attendg. the G. Jury.

Court adjourned till to-morrow morning 9 oclock.

24th Met according to adjournment

Present the Worshipful

Jas. Willson	Thos Houghton
Benjm Gist	Jesse Walton
Jas. Stuart	Chas. Robertson
John McMahon	Wm McNabb
Wm Clark	John McNabb

Jacob Brown acknowledged the convey: of 400 acres of Land to Wm Ritchey

Jacob Brown ackn: the convey: of 663 acres of Land unto Peter McName

Chas. Robertson Esq. acknow: the convey: of 340 acres of Land unto John McMahon Esq.

Also a convey: of 640 acres to sd McMahon also.

Betsy Fauling and John Chisom came into Court and gave John Carter and Chas. Robertson their securty for their adminn. on the Estate of Wm Fauling deed in the sum of £2000. My fees paid

Jacob Brown ackno: the convey: of 370 acres of Land unto Wm Clark Esq

Jacob Brown ackno: the convey: of 80 acres of Land unto Wm Clark Esq.

Jacob Brown ackno. the convey. of 669 aeres of Land unto Emanuel Sedusky

Jacob Brown ackno. the convey. of 350 aeres of Land unto Isaac Willson.

Ann Choate admr. of Tho: Choate enterd. Ezekl. Smith, Jas. Hollis and Robt Sevier her seety. in the sum of £3000.

Ord: that a Did. potestm. issue to two Justices of the peace In County of Tryon to take the deposition of Danl. Shipman & Jacob Shipman in behalf of Jno. Robertson defdt. in a suit with Peter McLame plttf on a caveat.

Ord: that Joel Callihan serve as Constable

Ord. that David Fain serve as Constable

Ord: that Nathl Clark serve as Constable

Caleb Hunter—Prin Recog. £200

Asahel Rawlings Seecuty each £100.

Wm Hitchie

Void on condition sd. Caleb Hunter make his personal appearance at the next Court and not depart without leave

State

vs

Pleads not guilty

John Gibson

Emanl. Carter & Austin Choate Witnesses for the State—Sworn

The Court on hearing the facts are of opinion that defdt. enter into recognizance for his appearance at the next Court in the sum of £250. and two securitys £125. each

John Gibson Prin. Recog. £250

Edw. Rice & Jesse Bond Sec. Ea £125

Void on condn John Gibson make his personal appearance at next Court and not depart without Leave

Peter Huffman provd a certain Bill of Sale for Land therein mentioned from Jas McCain to him the said Peter by Danl. Huffman and the same is ord. to be reed.

Ord: that a Ded: Potestatem issue to 2 Justices in Tryon County to take the Depn of Jacob Shipman and Robert Lee in behalf of Barnabas Anderson in a suit on a Caveat Jas McCord and David Robertson plttfs Barnabas Anderson dfdt.

Littleberry Matlock reecog. £100.

Jos. Dunham, Jos. Buller Secu. Ea £50.

Void on condn Littleton Matlock make his personal appearance the next Court and not depart without leave.

Court adjd till to-morrow morning 9. oc.

25th

Court met accordg. to adjournnt.

Present the Worshipful

John Carter Cha

Jas. Stuart

Zach Isbell

Tho: Houghton

Jesse Walton

John Chisom

Jas. Robertson

Joseph Willson

Wm McNabb

Wm Clark

Jacob Brown ackno. the convey: of 220 acres of Land unto Wm Nelson same to be recd

And of 389 acres to same

And of 460 acres to Elija Nelson

Ord. that Richd Wooldridge pay the sum of £20 for not doing his duty in taking care of James Maulden, who was committed to his charge as Constable.

Ord: that Benjm. Cobb be fined the sum of £3. for not attending on the G. Jury.

Ord: that Ded. potestatem issue to 2 Justices in the State of So. Carolina to take the Depo: of Solomon Smith in behalf of John Gilliland in a suit on a caveat John Shurley plttf Jno Gilliland defdt.

Jacob Brown ackno: the convey: of 300 acres of Land unto John Helms, and of 202 acres to Cornea O Neal and 673 acres to John Woods and 340 acres to Michl Woods and 182 acres to Moses Crawford and ord. recd

Henry Lyle 376 acres to Joshua Houghton, Chas Robertson 376 acres to Henry Lyle.

Michl. Woods proved the convey: of 182 acres from Moses Crawford by the Oath of Jacob Brown and same ord: record:

Court adjourned

26th Day Met accordg. to adjournnt

Present the Worshipful

John Carter, Cha.

Jesse Walton

Thom. Houghton

Wm Clark

Wm McNabb

Michl. Woods

Rich. White

Esqrs.

Jacob Brown proved by the oath of John Smith the conveyance

of 3 certain Traets or Territorys of Land as in the deed prescribed conveyd to sd Brown by Oconostoto, the Tennessee Warrior: the Breed Slave Catcher, Artacullacullah and Chenastoy, Chiefs of the Cherokee Nation & same is ord. record.

Ord: that a Road be laid from forks of Indian Creek to or near Jacob Brown's as may be most convenient and that sd Jacob Brown, John Nave and Robt. Young or any two of them do View and mark out the sd road and make return thereof to the next Court.

Jonathan Dugless

vs Case

Jemima Chaneev

Emanuel Carter, Valentine Sevier witnesses for plttf.

Henry Lyle, Jas. Hollis, Humphrey Gibson, Joseph Dunham, Jos. Buller, Nathl Clark, Chris: Cuninghame, John Gilliland, Wm Nelson, Christopher Cuninghame Jr., Jas Mielacan & Robt. Young jurymen.

We of the jury do find for the plttf Twenty pounds Dam: Nathl Clark foreman

Baptist McNabb

vs Debt

Zachariah White

Chas. Robertson, Jas. Mielican, Saml. Henry, Ambrose Hodge, David McNabb, John McNabb, Jas. Wray, witnesses for plttf

David Hiecky, Christopher Cuninghame witnesses for defdt. Sworn.

Henry Lyle, Jas. Hollis, Humphrey Gibson, Jos. Dunham, Jno. Nave, Jos. Buller, Nathl. Clark, John Gilliland, Wm Nelson, Jacob Brown, Philip Shelly, Matthew Talbert jurymen—Non Suit

Ord: that Eph. Dunlap be fined 5 Dollars for Insulting the Court especially Riehd. White Esq.

Chas. Robertson aeknow: the conveyance of 640 acres of Land unto Gideon Morris.

David McNabb

vs Debt

Andrew Greer

Judj: for £41.13.4 according to acct. Filed.

Court adjd. till to-morrow morning 9 o'clock.

27th—Court met accordg. to adjourn.

Present the Worshipful

John Carter, Cha

Thos. Houghton

Michl. Woods

Wm McNabb

Esqurs

Christopher Cuninghame

vs.

Caveat

Admr. of John Dixon

The jury do find for ptlff & ord: that orders issue for the entering accord: in behalf of ptlff.

Ord: that John Sevier be appointed Trustee for the County

Robert Young

vs

Caveat

Evan Shelby

The jury make return that a certain Big Spring Run ought to be the Line and that the Survey run a paralell line with sd Spring Run and it is consid. that orders issue accordingly.

Ord: that the assessors Henry Lile, Wm McNabb and Saml Henry be allowed for their services six pounds Each man for their Trouble.

Tavern Rates for 1 year

Lodging—Good bed and clean sheets	1. 6
Rum, wine & brandy pr. gal	3. 4. 0
Toddy pr. qt. & so in proportion & $\frac{1}{2}$ pt. of rum therein	0. 8. 0
Corn or oats pr. gal.	0. 4. 0
Stabledge with hay or fodder, 24 hours	0. 4. 0
Pasturage 24 hours	0. 2. 0
Cyder pr. Qt.	0. 4. 0
Bear pr. Qt.	2. 0
Whiskey pr. gal	2. 0. 0

Ord: that Richd. Willson, Isaac Johnson, Thos. Gil'aspie, David McCord, Jesse Been, John Trimble, Saml. Culberson, Michl. Bacon, Jno. B. McMahan, Jno. Gillaland, Jas. Stinson, And: Willson be summoned to attend the next Court as Petit jurors

Valentine Sevier Entd himself, John Carter & Chas. Robertson his securitys in the sum of three thousand pounds for his faithful discharge of the public monies that may be delivered into his hands from the Differant Tax Gatherers for the year 1778.

John Sevier Entd himself with John Carter & Chas. Robertson his securitys in the sum of one thousand pounds for his faithful discharge as County Trustee

Cleavers Barksdill after having Takeing the usual Oaths as prescribed by Law is appointed to act as Deputy Sheriff of this County.

Ord: that jurors that be sumond to try any cavt of Land be allowed the sum of 18| pr. day each juror.

Ord: that ye Sheriff be allowd 24| pr. day for attending on Juries when trying Cavts on Land.

Ord that Chas Robertson Esq be appointed Overseer of the Road from Little ford on Holeson to Matthew Talberts on Wattaugo in the room of Joshua Houghton

Chas. Robertson proved the convey: of a Certain Tract or Territory of Land in the deed prescribed, by the Oath of John Sevier from Oconostoto, Alta Cullaculla, Tennessee Warrior and Willenawaugh Chiefs of the Cherokee Nation. The same is ord. to be Record.

Ord: that Wm Ward be allowed for attendg. 5 days at this Court.

Court adjourned till Court in Course and to the place appointed by the commissioners

John Carter, Cha.

Charles Robertson

Tho: Houghton

Richd. White

Michl. Woods

William McNabb

1779.

(Part of the record is missing at this point.)

Monday Feby 22 1799

Thomas Jonathin made oath that his Ear mark is a Crop and square on the right ear and a Slitt square Crost the Ear of the uper and Lower Edge not extending Quite thro the Left Ear.

Joseph Tipton prov: the Convey. of 445 acres of Land from Edmund Roberts by the oath of Robt. Young Jr. & same is ord. to be record.

Chas Roberson Esq. ack. the Convey. of 487 acres of Land unto Robt. Young Jr & same is ord. to be record.

Chas. Roberson ackno. the Convey. of 400 acres of Land unto John Been and same is ord. to be record.

Order. that the clerk issue Extn agst. the Estate of Isaac Buller for the sum of £300. also agst. Joseph Buller his Secty for the sum of £150 which is the sums forfeited by their recognizance Augst. Sesso.

Present Geo. Russell Esq ditto Jno. McNabb

State vs Cabeb Hunter

It is the opinion of the Court that sd Hunter be acquitted and discharg'd from his recog. Entd. into Novbr Sesso.

Ord. that a deds issue to take the depo. of Tho. Earley and Chas. Robertson Esq in behalf of Wm. Davis. Com. Issued

Matthew Talbert, Jacob Brown, Jno. Stuart, Wm Trimble, Isaiah Hamilton, Rob. Young Jr, Saml. Sherrill Adam Sherrill Robert Cullwell Jas. Grimes, Joseph Tipton. Chris. Taylor, Rob. Blackburn, Wm Nelson Nathl. Clark, & Jno. Nave, Jurymen

—Sworn—

On petition of Michl Bacon setting forth that three children to wit: a boy named Chas Hill; agd 6 years, a girl named — Craft aged 9 years and a boy named Achilles Craft were orphan children and desired that the girl and the youngest boy should be bound to himself and the oldest bound to some Tradesman.

The Court have Consd that the sd Michl. Bacon keep sd two youngest children in his possn and that sd Michl also take the Oldest boy who is now out of his Custody at this time into his Custody also.

Ord. that Stephen — a deserter be confined and sent the dist gaol of Salisbury or Deliverd to some Contl officer

Ord: that Uriah Hunt be find 10| for Insulting the Court—fine paid to the Clerk.

State vs John Holley Sr	On his Tryal
For being Inimiel to the	pleads not
Comm Cause—	guilty

Saml. Matthews

Dycey Matthews Witness for

Caleb Hunter the State

— Cullwell

The Court on hearing the facts and the testimony of the Witnesses: It is the Opinion of the Court That the defdt. be sent to the Superior Court for further Tryal.

Saml Matthews Prin in the sum of £1000.

& wife Dycey

Jas. Pearce Jno. McMahan in the sum of £250 each

and John Fain, their Secu.

Void on condition that sd Saml Matthews and Dycey his wife do make their personal apearance at the next Superior Court to be held at Salisbury to give Testimony vs John Holley in behalf of the State and not to depart without leave

Caleb Hunter Prin. in the sum of £500. Adam Willson and James Stuart Esqrs. his secny in the sum of £250 each. Void on condition that the sd Caleb Hunter do make his personal apearance the next Supr Court to be held at Salisby. Then and there to give Testimony vs John Holley in behalf of the State and not depart without Leave.

Court adjd till to-morrow morning at 10 o'clock.

23rd day—Met according to adjournment. Present the Worshipfull

John Carter, Cha.

John McMahon

Chas Robertson

Michl Woods

Joseph Willson

Wm Clark

Benj. Gist

Joseph Willson.

Tuesday 23rd of February. 1779

State vs Geo Lewis for Treason vs the State.

Wm Williams

Witnesses for the State.

Elizabeth English

Sworn

On hearing the facts and considering the testimony of the Witnesses—It is the opinion of the Court That defdt. be sent to the Dist. Gaol—It app. to the Court that sd Lewis is a spie or an officer from Floradia out of the English Army.

State vs John Holley Jr for Treason

Caleb Hunter Witness for the State. Sworn.

It is the opinion of the Court that the defdt is not guilty and is ord. to be Dischargd

State vs Thomas Barker for Treason

On hearing the facts it is the opinion of the Court that defdt. be dischgd.

State vs Jonathan Holley for Treason

The Court on hearing the facts are of opinion that defdt. be dischgd.

State vs Alexr Choatswood for Treason

The Court on hearing the facts are of opinion that the defdt Ought to be dischgd and is accordingly Discharged.

State vs Francis Holley for Treason

The Court is of opinion the defdt. ought to be discharged

Ord: that Robt. Cullwell be find the sum of — for Insulting the Court.

State vs William Bryant for Treason

The Court is of opinion be dischgd and is accord. Dischargd

Ord: that the negroes now in possession of Adam Willson Esq the property of Jno. Holley Sr be delivered to the wife of sd John Holley in case she giving bond and sufficient secty In the sum of five thousand pounds for her safe keeping and delivering the sd negroes and other personal estate belonging to sd Jno Holley whenever demanded by proper authority in behalf of the State of N. Carolina. Otherwise the Sheriff take the negroes and other personal property into his possession.

Jno. Holley, Thos. Barker, Wm Storey, Jonathan Holley and Jno. B. McMahan acknowledge themselves indebted to the State of No Carolina in the sum of five thousand pounds for Rebecca Holley's safe keeping the negroes and other personal property of Jno. Holley her husband and delivering the same whenever demanded by any Legal Author. in behalf of the State of No. Carolina

Ord. that Richd Willson serve as Constable in Capt Hoskins Dist

Ord. that John Reding serve as a Constable in the room of P. Smith

Wm McNabb Esq. proved the Convey. of 207 acres of Land from Elija Robertson by the oath of Jno. McNabb Esq

Ord: that Joel Callihan be sumd to apear next Court to show cause why a Condl fine of Ten pounds shall not be award vs him for refusing to serve as Constble

Chas Robertson Esq. ackno: the Convey. 420 acres of Land unto Wm Been Esq

Chas Robertson Esq ackno: the Convey: of 560 acres of Land unto Wm Been Esq

—— ——— Esq proved a Bill of Sale from George Lumpkins to sd.

—— ——— ——— Jo. a negro fellow about 20 years old and dinah a wench about — years old and same is ord. to be record.

Ord: that Rob. Shurley be fined 16| for Insulting the Court. The fine paid to J. Sevier

On motion of L Bowyer Atty that a fine of £5. imposed on R. Cullwell for Insulting the Court should be remitted

The Court on Consid: the matter agree that sd fine should be remitted.

Court adjd till to-morrow morning 10 oclock.

Court met aced: to adjnt Wednesday 24th day. Present the worshipfull John Carter Cha, Ben Willson, Andrew Greer, Jno. McNabb, Thomas Houghton & Jesse Walton Esqrs.

State vs. Moses Crawford for Treason.

James Greenlee

Chas Adkins

State Witnesses—Sworn—

John Smith

The Court on hearing the facts and the Testimony of the Witnesses: It is therefore the Opinion of the Court that the Defdt. Moses Crawford be sent to the district gaol for further Tryal.

The above order vs Crawford Reed

Chas Robertson ackno. the Convey: of ——— acres of Land unto Christo. Cuninghame

Also four others of 530, 300, 640, & 390 acres to Rob. Lucas, and 300 acres to Edwd. Lucas.

On motion of Moses Crawford by his Council L. Bowyer that the order for sending sd Crawford to Dist. Gaol be reconsidered and sd Moses be dischgd. on his taking the State Oath and giving Bond and Suffict seeuty in the sum of £10,000. The Court on considg. the ease do permit sd Moses to remain and be dischgd. he giving such bond and taking sd Oath.

Moses Crawford Principal and John Russell, Robt. Cullwell, John Smith John Redding John Stuart, Aron B—— son and Wm Storey Jointly in the sum of Ten thousand pounds.

Void on condition that sd Moses Crawford be of a peaceable and good behavior in all cases whatever especially toward the Good and Safety of the Independent State of No. Carolina, also the United States of America.

Ord. that Moses Crawford be permitted to take the Oath of allegiance to the State of No. Carolina which was accordgly admind

(On motion of) E. Dunlop attorney for Jas. Greenlee that (the verdict rendered) by a jury on a caveat between Jno Nave pltff and (Jas. Greenlee) Esq defdt should be reversed. The Court on hearing the facts and testimony of witnesses are of opinion that Verdict of the Jury is illegal and not Valid and that there must be a new Trial on sd Caveat.

Court adjd till to-morrow 8 o.e.

Thursday 25th day, Mett acedg. to Adjnt

Present the Worshipfull

Chas. Robertson Cha

Wm Clark

Jno. McNabb

Joseph Willson

Benjm. Gist

Thos. Houghton

Jno. McMahon

Wm Clark

Valentine Sevier Jr acknow. the Convey. of 360 acres of Land unto Valentine Sevier Sr.

Peter McName ret'd here into Court a List of Sundry delinquents to the Amt. of £48. 12. 10. which is to be allowed in his settlement with the Sheriff out of sd McName's collectn for the year 1778

Ord. that Robt. Cullwell be fined the sum of £5. for Insulting the Court

On motion of John Holley by his atty Ephraim Dunlop that he the sd Holley should be acquitted from a ——— to the D. Gaol for Treason on his Giving bond (with security) in the sum of Twenty thousand pounds for good behavior in all cases whatever

The Court are of opinion that sd Holley may ——— and discharged he giving Bail accordingly

John Holley Prin. in the sum of £10000—John Clark, Robt. Cullwell, Isaiah Hamilton James Moore and Jonathan Holley jointly and severally in the sum of Ten thousand pounds. Void on condition that sd John Holley do be of a peaceable and good behavior in all cases whatever especially toward the Good and Safety of the State of No. Carolina and also the Independant States of No. Amarica

On motion of E. Dunlop attorney for A. Bird that sd Bird should have an order from the Clerk to the Surveyor to have his land surveyed agreeable to a return made at Augt Term last by Jury and Sheriff on a Caveat between sd Bird defdt. and Michl Hider plttf. The Court on hearing the facts and considg. the case Order that the Clerk do issue order accordingly on behalf of sd Bird

On motion of Joseph Buller by his council L. Bowyer that Joseph Buller and Isaac Bullar should be ——— issue Execution vs the estate of Isaac Buller for the sum of £300 and vs the estate of Joseph Buller for the sum of £150.

It is the opinion of the Court that the Clerk ought not to issue the Executions and that sd Joseph and Isaac be dischgd from their recognizance entd into Last August Sesso.

Ord that a dids issue to take the oaths of H. Henry Hicky, Jesse Bean Elizabeth Craig and ——— in behalf of Wm Brockus defdt. Wm Fauling, admr. plttf.

Ord. that a deds issue to two justices of the County of Burk to take the depo. of Ishmael & John Jewell in behalf of Jas. Greenlee Esq Defdt John Nave plttf on a Caveat.

Ord. that Wm. Ward be sumd to apear the next Court to render his reasons for not serving as Constable

Ord. that Joseph Tipton be sumd also to apear for not serving as Constable

John Holley came into Court and ack. a Bill of Sale for the Convey. of Two negroes therein mentd unto Robt. Cullwell and same is ord. recd

Ord. that Thos. Young serve as Constable

Ord. that Evan Edwards serve as Constable in the stead of Jno —

Jacob Brown ack. the Convey. of 176 acres of Land unto Jas Grimes.

Joseph Buller ack. the Convey. of 143 acres of Land to Michl Bacon

Valentine Sevier

vs	On attachment, Judg. and order accordg. to
Isaac Ruddall	acct. provd £59.

State vs Andrew Greer,

John Carter and Robt. Lanier On Attachment

It is the opinion of the Court that the Attachmt is Illegal and Ought not to Lye

Court adjd till Court in course.

Charles Robertson

Jno. McNabb

Andw Greer

Michl Woods

William Clark

At a Court begun and held the 24th day of May 1779 at the place appointed for the Court House

Present the Worshipfull

John Carter, Cha

Chas. Robertson

Jno. McNabb

Geo. Russell

Rob. Lucas

Thos Houghton

Benj. Gist

James Stuart

Wm McNabb

Wm Cobb

Esqrs.

On motion of Ephraim Dunlop S. Attorney that a Sheriff should be appointed for the Ensuing year. The Court taking the same under consideration do nominate and appoint Valentine Sevier

Sheriff, he giving bond and security as by Law appointed and Required—

The Last Will and Testament of Rebecca Vanderpool was duly proven by the oaths of Thomas Houghton Esq and James Grissome, and same is ordered to be recorded.

Thomas Hardaman came into Court and made Oath that the Ear mark of his Cattle, Hogs and Sheep is a swallow fork in the ———

A power of attorney from Gideon Rucker to John Jones appointing sd. Jones his True and Lawfull Attorney &c proven by the oath of John Dunham and same is ordered to be Record:

Ord: that Teter Nave have Leave of Administration on the Estate of Abraham Vanderpool he first Giving Bond and Security as required by law.

Court adjourned till to-morrow morning 9 o'clock

Tuesday 25th day. Mett acedg. to adjnt. Present the Worshipful

Zachr. Isbell

Joseph Willson

Wm McNabb

Michl. Woods

Wm Clark

Jno. McNabb

Tho. Houghton

And. Greer.

Wm Cocke and Wm Parker entered themselves Secy. for Teter Naves faithful administration on the Estate of Abraham Vanderpool in the sum of £2000.

Chas. Robertson Esq. acknow: the Convey. of 400 acres of Land unto Wm Sharp Esq.

Chas. Robertson ackno. the Convey. of 480 acres of Land unto Garrett Fitzgerald.

Saml. Harris and Wm Sharpe Esq proved the Convey: of 480 acres of Land from Garrett Fitzgerald by the Oath of Charles Robertson Esq.

On motion that the State's Attorney be allowed for his services to which the Court agreed that the States Atty should be allowed, from which Thos. Houghton Esq disented

On motion it is the Opinion of the Court that Ephraim Dunlop Esq (State's Attorney) be allowed the sum of £133. 6. 8. for his services and the same for the year 1778 and so on during pleasure.

Present J. Shelby

State

vs. Stealing Bell

Dick ——

Defdt pleads not guilty

Wm Thornton Witness for the State—Sworn—

It is the opinion of the Court that the defdt. appear at the next Court and enter into Recognec. for the performance of the same himself in the sum of £500 and two Secutys in the sum of £250 each

Ben Dick —— Principal in the sum of £500. Robt. Bayley and Chas. England Secutys £250 each. Void on condition that said Ben Dick —— make his personal appearance at the next Court and not depart without Leave.

State vs Benj Holley Jesse Walton Esq Witness for State

High Treason. Jesse Bond W. for the State

It is the opinion of the Court that sd. defdt. be sent to the Superior Court for farther Tryal and that sd. Jesse Walton and Jesse Bond be sumd to appear at Superior Court as Witness against the defdt.

Jesse Bond Prin. the sum of £1000. Jesse Walton Secuty the sum of £500. Void on condition that Jesse Bond make his personal appearance at next Supr Court to give testimony vs. Benjm Holley

Amos Bird in the sum of £1000. Void on condition that he make his personal appearance at the next Supr Court to persecute Benj. Holley for Stealing Creatures.

Ord. that John Murphy Enter into bond and Security for his good behavior in the sum of one thousand pounds himself and two Securitys in the sum of five hundred pounds each.

Ord. that John Murphy be fined the sum of Twenty pounds for Ill treatment to his reputed father Patrick Murphy. Also for Breach of the Peace

Ord. that Patrick Murphy be fined the sum of £20. for Insulting Zachariah Isbell Esq a member sitting on the Bench.

State vs Patrick Murphy, For stealing 2 Hogs the property of Zachariah Isbell and Thos. Evans. Present Jas. Stewart and And. Greer Esqrs.

Jas. Crawford, Wm Murphy, Witnesses for the State. John Smith, Richd Travillian & John Reding Witnesses for Defdt. Sworn.

The Court are of opinion that dfdt. pay to Zach Isbell for his hog, and £26. 13. 4. to Thos. Evans for his Hog, and £10. fine and also receive 20 lashes on his bare back well laid on by Sheriff or Deputy

Matthew Talbert Jr. was duly qualfyd. to act as Deputy Surveyor under Jas. Stewart Esq

Court adjd till to-morrow morning at 10 o.c.

Wednesday 26th day Court met acco. to adjnmt.

Present the Worshipfull Jesse Walton, Zach Isbell. Wm Clark, John McNabb & John Chisholm, Esqs.

On motion Robert Cullwell by his Council Ephraim Dunlop Esq that he be released from being security for the Good behavior of John Holley Sr. and from his recog. entered into at february sesso. etc. The Court on considering are of opinion that on the said Cullwell first delivering said Holley he may be released, also John Clark, Isaah Hamilton. James Moore & Jonathan Holley be likewise released in the same manner.

On motion E. Dunlop State Attorney that John Holley for his Ill practices in Harboring & Abetting disorderly persons who are prejudicial & Inimical to the Common Cause of Liberty and Frequently Disturbing our public Tranquility in General Be Imprisoned for the term and time of one year.

The Court Duly Considering the Allegations Alleged and Objected Against the said John Holley are of Opinion that for his Disorderly practices as aforesaid from time to time, and to prevent the further and future practice of the same pernicious nature do order Him to be imprisoned for the term of one year and is Accordingly ordered into the Custody of the Sheriff—On motion E Dunlop Esq that a sum of money to the amount of fifteen hundred pounds current money Due from Robert Cullwell to said John Holley for two negroes be retained in the hands of said Culwell. As there is sufficient reasons to believe that the said Holley's estate will be Confiscated to the use of the state for his misdemeanors, etc. The Court on Considering the Case are of Opinion That the said moneys ought to be Retained.

On motion that Cour should be Appointed for the county to Take into possession such property as shall be confiscated, the Court on taking the same under consideratn do Nominate and appoint John Sevier Jesse Walton, and Zachariah Isbell Esq. for the aforesaid purpose.

James Jones & Thos. Young was Duly qualfyd to act as constables.

On motion the Court order that John Bond do keep and take care of George and Mary bond (orphans) until there may be proper Opportunity to have Said Orphans properly bound to him as prescribed by the Law.

Ordered that John Holley, Thomas Barker, Wm Story, Jonathan Holley and John Blair McMahon Be released from Delivering Two Negroes formerly the property of John Holley, Sen. which they were security for Rebecca Holley Delivering if called for as confiscated property (said negroes) now the property of Robert Cullwell and is accordingly Released.

Ord. that a deds Issue to take the Depo. of George Kilham in the County of Burk on behalf of John Nave plaintiff in a suit in Court against James Greenlee defdt.

Ord. that a Deds issue to take the Depo. of John Colter in Washington County, Virginia, on behalf of John Nave plttf in a suit with John Clark defdt on Caveat.

State vs Wm Ward—For not doing his duty as Constable

The defdt apeared and the Court on hearing the facts are of opinion that he ought to be discharged, and Is accordingly discharged.

Present Jos. Willson, Thos. Houghton & Benjamin Gist Esqrs.
State vs Pat. Murphy. For stealing two ax's the property of Thos. Evans.

The Court on hearing the facts are of opinion that the defdt Receive 10 Lashes well Laid on his bare back.

On motion that a fine of £20. Imposed on John Murphy for Ill Treatment to his father should be Remitted. The Court reconsidering the Case are of opinion that the fine ought to be remitted and is Accordingly Remitted.

John Murphy Prin. in the sum of £1000. Jesse Walton & Zach. Isbell Secutys each £500. Void on condition that sd. John Murphy be of a peaceable and Good Behavior for the term of one year. Esply towards Pat. Murphy

Ord: that Jas. Roddy, Ligh Hoskins and Jesse Hoskins be Assessors of the taxable property Lying above the Iron Mountain and make return to Richd White Esq.

Ordered that Matt. Talbert Sr, Andrew Taylor and Clevers Barksdell assess below the Iron Mountain Including the Waters on

the North Side of Brush Creek and Wattauga and also all the taxable property on the No Side of Wattauga. Make return to Thomas Houghton Esq

Ord. that Wm Been Jr. Jarret Fitzgerald and Pharaoh Cobb assess all below Brush Creek extending as far So. as Browns Line and so down to the County Line and make return to Wm Cobb Esq

Ord. that Jacob Brown, John Woods and Jona. Tipton assess all Below the Iron Mountain as Low down as the Big Limestone extending as far No. as Brown's Line and make return to Wm Clark Esq.

Ord. that Henry Earnest, Sealy Rawlings and Saml. Lyles assess all below Big Limestone on the No. Side of Chuckky and all below J. Sevier's Mill Creek on So. side of Nolachucky and make return to Jos. Willson Esq

Ord. that John Robertson, Bradley Gambriel James Abbott and Valentine Little serve as Constables.

Court adjd till tomorrow morning 10 oclock

Thursday 27th day, Mett accordg. to adjnt. Present the Worshipful

Joseph Willson

Wm Cobb

Chas. Robertson

And. Greer

Esqrs.

David Robertson

vs.

Cavit

Barnabas Anderson

Jury find for the Defdt. Ord. issue accdly.

Garrott Fitzgerald

vs

Cavit—Agreed

Thos. Titsworth

Same

vs Agreed

Same

Martin Armstrong

vs

Dis. by ord. of plttf.

John Caviack

David Robertson

vs

Cavit—Jury find for plttf. The Court order new Tryal.

Wm Ritchee

Wm Nelson

vs.

Cavit—Jury find for plttf. Ord. issue accdgly.

Sam'l Handly

Edward Hughes

vs Cavit—Dismd. by ord. of pltff.

James Grimes

Daniel Keith

vs Cavit—Jury find for pltff. Ord. issue accordgly

David Fain

John Gilahan

vs Cavit. Dismisd by ord. of pltff—All my fees

Chas McCartney paid

Alexdr Duglass

vs Cavit—Jury find for defdt. Ord. issue accdgly

Jacob Vance

John Nave

vs Cavit—Jury find spl Verdict Cond for pltff

John Clark

Nathl Clark

vs Jury find for pltff. Ord. issue acco.

John Stuart

Jas. McCord

vs Cavit—Jury find for pltff. The defdt. pleads a new
Wm Ritchee Tryal. The Court is of opinion that ord. issue
acco. to the verdict of the Jury.

John Shurley

vs Cavit. The Jury find for pltff. Ord. issue acco.

John Gilliland

Present, Jesse Walton Esq

Wm Storey

vs Cavit

Henry Massingill Contd. for pltff

Compromised and the defdt. have relinquished his claim and ord.
issued Entry taker.

Wm Ritchee prays an appeal to the Superior Court in his suit as
defdt. with Jas. McCord pltff. on a Cavit which is accordingly
Granted he first Giving bond and Security as by Law required.

Wm Ritchee Prin in the sum of £500. Peter McName Secuty
in the sum of 250. Void on condition that Wm Ritchie prosecute
his suit with effect agst Jas. McCord on appeal.

Ord. that the Sheriff be allowed for his ex officio services for the
year 1778 the sum of £130.

Ord. that Joseph Fowler, serve as Constable—(Ord. issued)

Chas. Robertson Esq acknow. the Convey. of 240 acres of Land unto Christian Cuninghame Q—if not entered before.

Wm Ritchee proved his Ear Mark of Cattle Sheep and Hogs to be a Crop of the Left ear, and two small nicks on the under side of the Same, and a slitt in the Right Ear, and his Brand on the near Shoulder W and on the near buttock R and the Same is Ordered to be Recorded.

Peter McName proved his Ear Mark of Cattle Hogs and Sheep to be a Crop and two slits in the left ear and a half — out of the upper side of the Right and the Same is ord. to be recorded.

Ord. that a deds issue to take the Depo. of David Looney and Jas. McCain on behalf of Peter Huffman Defdt. in a suit with Wm Cocke plttf. on a Cavit.

John Dunham

vs Cavit Jury find for plttf. Ord. issued accdg.

John Colter

John Holley

vs Cavit—Jury find for plttf. Ord. issue accdg

Richd Travillian

Jas. Charters

vs Cavit—Agd. by ord. of plttf.

Jacob Womack

Philip Mulcky

vs Cavit—Agreed by ord. of the plttf.

Wm Cobb Esq

Robt. Culwell came into open Court and acknowledged the assignment on the back of the bill of sale from John Holley to himself unto John — for the Slaves Cato and Arce mentioned in the sd bill of sale

Jacob Vance

vs Cavit—Dis. by ord of the plttf

Jas. Moore

Wm Thornton

vs Cavit—Jury find for plttf.

David Huckky

Chas. Duncan

vs Jury find for defdt. Ord. issue accdgly.

Saml. Fain

Philip Mulcky

vs Cavit. Disd by order of plttf.

Pharaoh Cobb.

Ord. that the Sheriff take and receive 8 dollars pr. day for attending on Jurys on Cavits, Also 8| for each jurymen that he shall Summon also that each jurymen shall and may be Entitled to Receive 32| pr. day for his Attendance to try such Cavits.

Andrew Taylor

vs Cavit—Jury find for plttf. Defdt. pleads for new
John McNabb Tryal.

The Court on considering the Case Order that a New Tryal be Granted, and is aecodly. ordered.

Ord. that the Sheriff seize all the property of Jaeob and Benjamin Holley and also the property of George Underwood

Ord. that the Sheriff seize all the property of Isam Yearly

Ord. that a dids. issue to take the Depo. of Colo. Chas. McDowell on behalf of Jno. McNabb Esq. Defdt. in a Suit with Andrew Taylor plttf. on Cavit.

Chas. Robertson Esq acknow. the Convey. of 627 aeres of Land unto Andrew Taylor.

Wm Ward proved that he attended 4 days as Constable this Court

John Sevier, Jesse Walton & Zachariah Isbell Enterd themselves in reecognizance to the Governor with Valentine Sevier Andrew Greer and Charles Robertson Esqrs their Seeurity in the sum of Two Hundred and fifty thousand Pounds for the faithful discharge as Commissioners of Confiseated Estates

Court adjourned till Court in Course.

Charles Roberson
Andw Greer
Jno. McNabb
Jesse Walton
Zachr Isbell
Wm Cobb.

At a Court begun and held the — day of August Anno Domini 1779 Present—the Worshipfull

Joseph Willson
Benjm Gest
Miehl Woods
Wm Been

Chas. Robertson
Jesse Walton
John Chisolm
Thos. Houghton Esq

Spruce MaCay Esq. moved to this Court that he might Be admitted as an attorney to praetise the Law in This Court.

The Court considering the Same and he the said Spruce Macay also producing a proper License from the Honble. Sam. Ashe and Saml. Spencer Chief Justices of the Dist. of Salisbury as an attorney the Court therefore admit the said Spruce Macay to practise in this Court and is Accordingly Admitted.

John Ritchee made oath that his Ear Mark of Cattle Sheep and Hogs is an under Keel in the Left ear and a Splitt through the Middle of the Right and same is ord. to be Record.

David Hughes

vs Attamt.

Lazarus Cotton.

The Sheriff return into Court that Peter — is sumd as Garnishee, and he the sd. garnishee failing to apear

It is the opinion of the Court that the plaintiff obtain judmt against the said Garnishee

William Trimble

vs Attchmt.

Eduard Hogan

The showing Returns into Court that John Carter is sumd as Garnishee The Garnishee apearred and declared That he has not anything in his hands belonging to defdt.

Present John Carter, Tho. Houghton and Wm McNabb.

Henry Earnest made Oath his Ear Mark of Cattle Sheep and Hogs is a Crop in Each Ear and an under Keel in each Ear and the Same is ord. to be Record.

Ord. that John Mcfarling have Leave of Adminn on the Estate of James Richardson he complying with the Law accordingly.

Court adjd till to-morrow mornng 9 o.c.

Tuesday Morning, Mett accordg. to adjmt Present the Wor-shipfull

John Carter Char.

Jos. Willson. Benjm. Gest. John McNabb Wm Clark and Zachr Isbell Esqs.

Ord. that Adam Willson Robt. Willson Jas. Stinson. Jos Gest and James Rodgers be apointed to Mark and Lay off a Road the most Convenient and best Way from the Court House of Washington down to Benj. Gest's Esq and make Return to our Next Court.

Chas. Robertson Esq acknow. the Convey. of 300 acres of Land unto Wm Sharp; and 600 acres to same

Ord. that Robt. Sevier be admitted to keep an ordinary in this County at the Court House

Ord. that a return made by Wm Cobb Esq of the Taxable property of the District of which he was appointed should be Recd

Ord. that a return made by Joseph Willson Esq should be Recd. also

Ord. that a return made by Thos. Houghton Esq should be also Recd.

Robt. Lusk Prin in the sum of £500. Saml. Lyle & Wm Thornton his Secutys £250. each Void on Condition that sd Robt. Lusk Make his apearance at the next Court to answer such things as shall then be objected vs him.

Elija Robertson Prin. in the sum of £500. John Gillaland his Secuty in the sum of £250. Void on Condition sd Elija Robertson make his apearance at the next Court to prosecute Robert Lusk.

Elisha Baulding Prin in the sum of £1000. Wm. Flanary & Jas. Wray Secys Each £250. Void on condition sd Elisha Baulding Make his personal apearance at the next Court to answer such things as shall there be Objected against him.

Saml. Tate Enters himself in the sum of five hundred pounds that he will make his personal apearance at the next Court to give Testimony vs Elisha Baulding

Ord: that Andrew Bunton be sumd to appear at the next Court to give Testimony vs Elisha Baulding

Ord. that the Sheriff take into Custody Jas. Millican until he give suffiet secuty. for his personal apearance at the Next Court

Ordered that James Millican be fined and pay the sum of £25. 0. 0. for Insulting the Court.

Ord that Saml Tate enter into Recog. in the sum of £1000 himself and Two Sec'ys in the sum of £500 each for his personal apearance at next Court.

On Petition of Joseph Campbell It is ordered that He be discharged from the payment of any public or County Tax.

John McFarling Enters himself with Jarrott Fitzgerald and George Russell his Security in the sum of five thousand pounds for John McFarling's faithfull adminn on the Estate of James Richardson—decd.

Robert Bayley came into Court and Delivd. Ben Duke Middleton who he was Security for at the last Court and B. Middleton is brought into custody.

Court adjourned till to-morrow morning 9 O'clock

Wednesday 25—Mett accord. to adjournment

Present the Worshipfull John Carter—Cha. Thomas Houghton, Chas. Robertson, Zacha Isbell Wm Cobb John McNabb, and James Robertson, Esqrs.

James Hollis came into Court & proved by his oath an acct of £28: 13: 4 agst. the Estate of Wm Rauling—Decd.

Saml. Tate Prin. in the Sum of £1000. Robt. Sevier & Jas. Wray his Sectys £500 each. Void on Condition that sd Saml. Tate Make his personal apearance at Our Next Court to answer such thing as shall there and then be objected against him

Saml Henry

vs Debt on Inqy.

And. Greer

Jas. Hollis, Thos. Gillaspy. Peter McName Jno. Casady, Wm Ritchey, Jos. Denton Christ Taylor, Jno. Dunham, Bednego Inman Jonathan Eduards and Chas. Gentry, Jurymen.

Jury find for the plaintiff £58. 14. 9. dbt & 6d. costs.

David Hughes came into Court and acknowledged A Power of Attorney by him given unto Jesse Walton Esq. and same is ord. to be Recorded.

It is the opinion of the Court that the Assessors be allowed the sum of ten Dollars pr. Day for there Trouble In Assessing. Also the Constables be allowed the sum of Ten Dollars pr. Day also, for notifying the people.

James Jones made oath that he served four days as Constable in warning the people to give in lists of there taxable property and is allowed for the same.

Maj. Jonathan Tipton made oath that himself, Jacob Brown and John Woods Served four days Each in Assessing the Taxable property of the District in which they were Appointed.

Saml. Lyle made Oath that he served three days Assessing the Taxble property of the Inhabitants In the Dist. whereof he was appointed Assessor

James Millican Prin in the sum of £500. Wm McNabb Esq & John Casady Secutys £250 Each. Void on condition that sd Jas. Millican make his personal apearance at next Court and not Depart without Leave

Clevers Barksdill and Andrew Taylor made oath that they served Eighteen Days each Assessing the property of the people in the dist. which they were appointed assessors.

[TO BE CONTINUED.]

BOOK NOTICE.

TENNESSEE HISTORIES.

[We publish below J. W. Caldwell's review of Garrett and Goodpasture's "History of Tennessee." Mr. Caldwell is himself a learned and discriminating author in the field of Tennessee history. His review is a valuable essay on the histories of Tennessee. It has a value independently of the work it reviews. We regard it as eminently worthy of preservation on its own account.]

Capt. W. R. Garrett and A. V. Goodpasture, Esq., of Nashville, in collaboration, have published, through the Brandon Printing Company, a "History of Tennessee," "its people and its institutions," for use in the higher schools of the State. The authors are known as students of the State's history and as frequent writers upon various phases of it. It would have been difficult to find any one more competent for the task which they have successfully performed. They have written the only history of the State which covers its entire life and can at the same time make serious claim to thoroughness. The old standard works upon the subject—Ramsey and Haywood—treat only of the early life of the State, and Phelan does not bring his story down further than the middle of the nineteenth century. Ramsey and Haywood are too minute, and Phelan is not minute enough. Ramsey and Haywood have never been indexed, and, therefore, their usefulness to students as well as to general readers is greatly reduced. The immense publication known as "Goodspeed's History of Tennessee" has never commanded the public confidence, because of its many purely personal and quasi-advertising features; nevertheless, it is a book of great, though unequal, value, and all who have written of the State's history since its appearance have been much indebted to it for suggestion, if not for actual material. It is unwieldy, unindexed, and therefore largely unavailable. Messrs. Garrett and Goodpasture have covered the entire history of the State thoroughly and trustworthily. From no other book can so good and true a view of the subject be had. It is full and trustworthy as a narrative of events

and as an account of institutions. It is evident that the authors have been diligent and that they have the true historic instinct and method. They have had access to the best sources of authority and have made good use of them. Among many features of the book worthy of special commendation is the account of the Indian treaties. This is accompanied and is genuinely elucidated by excellent maps. This part of the book cannot be too highly praised. It is worthy of remark that the account of the Watauga Association given in this book differs from that given in any other history of the State, and is believed to be the most correct that has yet appeared. The chapters upon banks and education and upon internal improvements are as full as the purpose of the work would allow, and are satisfactory and accurate. The story of the Civil War is an excellent epitome, and is not offensive to any shade of opinion. If it be now and then apparent that the writers occupy the Southern point of view, that fact should not cause surprise nor provoke serious censure. In the matter of fair dealing with the controversial questions of politics, it is far above the average of fairness; indeed, it is not unfair at all, but only a frank expression of the convictions of the authors. We are glad to note that these Southern historians occupy so high a plane in this matter.

Writers of Tennessee history of late have been compelled to do much work of a kind that is best described as "antiquarian." They have had to search in musty records and ancient books for facts that should long ago have been put into historic form, and, therefore, they have shown a tendency to exaggerate details in the lines of their specialties, and their work has not exhibited a correct sense of proportion. This has also begotten a trivial corrective habit, and frequently it has been thought more important to expose a trifling error of date or an erroneous statement of kinship than to consider things of real importance. The work under consideration is, happily, free from this habit of antiquarian gossip, and is genuinely historical in spirit and method.

As a general history of the State, condensed, but not incomplete or inadequate, it is of the greatest merit. Nothing approaching it in usefulness has been published heretofore. It has in orderly arrangement all the material things that are to be found in the sympathetic, but confused, masses of Ramsey and Haywood; it has all that is in Phelan, better ordered and better told, and it rounds out the story so as to complete the view. It is not a sec-

ondary book, but goes back to the first sources of information. We do not believe that any State has a better school history, and this does not express its full value, for it is a good and serviceable book for general readers of any age and for students of the subject.

We venture to suggest that the shape of the volume is not good, especially for a book for general reading, and that in some instances the illustrations are hardly worthy of the text. As the book is worthy to become, and is likely to become, the standard general history of the State, we may reasonably hope for a republication, at least for general readers, in a different form and with a revision of illustrations—as, for instance, that of the escape of “Bonny Kate,” the “Battle of King’s Mountain,” and the “Battle of the Bluffs.” We concede readily that these do not at all detract from the value of the book or from its appearance as a school history; but so meritorious a book should have a form and illustrations, if the last be considered necessary, that will be satisfactory to readers of mature years.

The portraits are numerous and well executed; the arrangement is excellent and the index good; the footnotes are helpful and show scholarly work, and the bibliography is full and valuable. Upon the whole, we cordially and unreservedly commend the work.

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*Chennabee, Chinnuhhe, Choonuhbee, Ennubhe, etc., are different ways of spelling the name of the Indian chief.

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